HOUSE OF REPRESENTATIVES

FRIDAY, *February 15, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most Holy and Merciful Father, manifest in us finer works than are even seen in the heavens above and in the earth beneath. So, we pray, make us unafraid in affliction and fearless in the gardens of life, where the thorns grow. Oh, wherever we are, whatsoever may be the circumstances confronting us, may we sing the jubilee of the soul, which is the music of a sweet and beautiful trust in the All-Father! We bless Thee that Thy boundless strength is our infinite tenderness. In Thee each succeeding day may our characters have their trend and our destinies their verdict. Heavenly Guide, keep us on the road of the loving heart, singing not sobbing, blessing not blighting, and thus we shall serve Thee well and wide just from where we are. In the name of the world's Saviour we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 15809. An act to authorize a preliminary survey of Mud Creek, in Kentucky, with a view to the control of its floods; and

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy.

The message also announced that the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 710) entitled "An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States," further disagrees to the amendments of the House to said bill, asks for further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FRAZIER, Mr. SCHALL, and Mr. ASHURST to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S. J. Res. 110) entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes."

The message also announced that the Senate agrees to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 8736. An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.;

H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;

H. R. 12449. An act to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922; and

H. R. 12538. An act for the benefit of Morris Fox Cherry.

The message also announced that the Vice President had appointed Mr. SHIPSTEAD and Mr. FLETCHER members of the joint select committee on the part of the Senate provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Government Printing Office.

The message also announced that the Vice President had appointed Mr. NYE and Mr. PITTMAN members of the joint select committee on the part of the Senate provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

PROVISIONAL MISSOURI MILITIA

Mr. W. T. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 379, extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of House Joint Resolution 379, which the Clerk will report.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, be, and they are hereby, extended to include the officers and privates of the Missouri State Militia and the Provisional Missouri Militia who served 90 days or more during the Civil War and were honorably discharged, and to the widows and minor children of such persons.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I do not know whether this is a privileged matter or not. I think we should have some explanation of the resolution, because it seems to be quite comprehensive.

Mr. W. T. FITZGERALD. I will read the last part of the report.

There is but a handful of the survivors of these regiments and their dependents on the pension roll at the present time and a high percentage of them are blind or otherwise incapacitated and there appears to be no just reason why the benefits of the acts as provided in this resolution should not be extended to them. It was brought out in the hearing this committee had on this resolution that the additional annual cost would be a minmum of $2,000 and a maximum of $5,000 and a conservative estimate would be about $3,000 additional per annum.

Mr. SNELL. Just who are these people and were they in Federal service or not?

Mr. W. T. FITZGERALD. They were. I will ask my colleague from Missouri [Mr. LOZIER] to make the explanation desired by the gentleman from New York.

Mr. LOZIER. Mr. Speaker, the gentleman from New York, of course, understands that our pension laws consist of a succession of acts and, in many of these acts, reference is made to the provisions and descriptive paragraphs of previous acts. During the Civil War period, under direction of the Federal Government, numerous military organizations were created from time to time in Missouri, to meet emergency conditions. One of these was the Missouri Enrolled Militia, the members of which have never been given a pensionable status under our general pension laws, and the pending resolution does not confer upon them a pensionable status. In February, 1863, a number of regiments were formed from men selected from the Enrolled Missouri Militia. These new units were known as the Provisional Missouri Militia, or Provisional Enrolled Missouri Militia, and were utilized for continuous service during the then existing emergency.

These military units, while in the service of the State of Missouri, cooperated with the Federal forces, rendering effective service, and the Federal Government furnished uniforms and equipment for these soldiers, and afterwards reimbursed the State of Missouri for all money expended for their services, thereby, in effect, recognizing these organizations as constituent parts of the Federal forces, though these Missouri Militia regiments were never formally mustered into the Regular United States Army and were not commanded by the regular United States Army officers. Inasmuch as these military units were never mustered into the United States Army, and technically were never a part of, although actively cooperating with, the Federal military forces, service in these regiments did not give a soldier a pensionable status under act pensioning persons who served 90 days or more in the military or naval service of the United States during the Civil War, and for the same reason widows of these soldiers did not originally have a pensionable status under an act which by its terms limits its benefits to widows or former widows of officers or enlisted men in the military or naval service of the United States.

But in recognition of the real service performed by these Missouri military organizations, by the act of March 3, 1873 (R. S., sec. 4722; Code of Laws of the United States, title 38, chap. 2, sec. 23), Congress extended the provisions of the general pension laws to officers and privates of the Missouri State Militia and the Provisional Missouri Militia who were disabled by reason of injuries received or disease contracted in the line of duty, while such militia was cooperating with the United States forces, and to the widows and children of any such person dying of injury received or disease contracted in service in line of duty.

It will be observed that the act of March 3, 1873, did not provide pensions for service alone, but for disabilities incurred in line of duty. But for disabilities thus contracted this act placed

members of the Missouri State Militia and the Provisional Missouri Militia in the same class and on the same basis as those who had served in the Regular Army during the Civil War period. Many members of the Missouri State Militia and the Provisional Missouri Militia were pensioned under the act of March 3, 1873.

Prior to June 27, 1890, all pensions were based, not on service but on disabilities resulting from or contracted in the service, but the act of June 27, 1890, subject to certain limitations, conferred a pensionable status on all persons who served 90 days or more in the military or naval service of the United States during the Civil War, who were honorably discharged, and so forth, and on the widows and minor children of such persons. In administering this law the Pension Bureau ruled that the provisions of the act of June 27, 1890, were not sufficiently broad to extend the benefits of that act to the officers and enlisted men who served in the Missouri State Militia or the Provisional Missouri Militia, and in order to correct this manifest injustice and extend its provisions to this group of soldiers, Congress passed a joint resolution known as the act of February 15, 1895, which was as follows:

> That the provisions of the act of June 27, 1890, be, and are hereby, extended to include the officers and privates of the Missouri State Militia and the Provisional Missouri Militia who served 90 days during the late War of the Rebellion, and were honorably discharged, and to the widows and minor children of such persons. The provisions of this act shall include all such persons now on the pension rolls, or who may hereafter apply to be admitted thereto.

On the adoption of this resolution the officers and enlisted men of the Missouri State Militia and the Provisional Missouri Militia were given the benefits of the liberal act of June 27, 1890, and their widows and minor children were placed on the same footing as the widows and minor children of soldiers who served in the United States Army during the Civil War.

The act of February 6, 1907, relates to survivors of the Civil War and, like the act of June 27, 1890, did not extend its benefits to soldiers who served in the Missouri State Militia or the Provisional Missouri Militia, but it was an act solely beneficial to soldiers who had served 90 days or more in the regular military or naval service of the United States. To enlarge the beneficiaries of the act of February 6, 1907, and bring the members of the Missouri State Militia and Provisional Missouri Militia under its provisions and benefits, Congress passed another joint resolution known as the act of March 4, 1907, extending the benefits of the act of February 6, 1907, to all classes included in the act of February 15, 1895, among which were members of the Missouri State Militia and the Provisional Missouri Militia, and their widows and minor children.

The act of April 19, 1908, dealt with widows' pensions, increasing the rate from $8 to $12 per month. This increase accrued to all widows already pensioned or who might be thereafter pensioned under existing laws. Then came the act of May 11, 1912, which described its beneficiaries in substantially the same language used in the act of June 27, 1890, which was followed by a paragraph extending its benefits to all persons embraced within the provisions of the act of February 15, 1895, which, of course, included officers and enlisted men who had served in the Missouri State Militia and the Provisional Missouri Militia.

The acts of May 1, 1920, July 3, 1926, and May 23, 1928, granted pensions to "every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, who was honorably discharged therefrom," and so forth, and to the widows and minor children of such persons. It is evident that these descriptive words defining the class of soldiers entitled to pensions were not sufficiently broad to include soldiers who served in either the Missouri State Militia or the Provisional Missouri Militia, because, as I have already shown, these organizations were not technically mustered into the military service of the United States, although they were organized under an agreement between the State of Missouri and the Federal Government, cooperated with the Union forces and rendered very valuable service to the Federal Government. By the terms of these acts the beneficiaries of governmental bounty in the form of pensions were substantially restricted because certain classes of persons entitled to pensions under previous acts were not embraced in the description of the classes entitled to pensions under these three acts. So the provisions of these three acts were not extended to those who served in the Missouri State Militia or the Provisional Missouri Militia and their widows and minor children, although these classes had a pensionable status under prior acts.

In construing the act of May 1, 1920, the department held (Lewis, case 21, Pension Decisions 200) that the act of May 1, 1920, does not provide a pensionable status for widows of members of the provisional regiments of Enrolled Missouri Militia, and that the act of May 1, 1920, does not confer a pensionable status on the widow of any person on account of his services during the Civil War unless rendered as an officer or enlisted man in the Army, Navy, or Marine Corps of the United States.

It will be observed that when the act of May 1, 1920, was passed the benefits of all previous Civil War pension acts had been extended to the soldiers who served 90 days or more in the Missouri State Militia and the Provisional Missouri Militia, provided they had been honorably discharged, and to their widows and dependent children; but the provisions of the acts of May 1, 1920, July 3, 1926, and May 23, 1928, did not extend, and by subsequent act have not as yet been extended to include the soldiers who served in these two Missouri militia organizations and their widows and minor children.

I am convinced that in passing these last three acts Congress had no intention of excluding from their benefits soldiers and widows who had for many years been placed by law on an equality with those specifically described in these three acts, and who had under prior acts been recipients of the Nation's bounty in the form of pensions on an absolute equality with those included in the classes specifically enumerated in the three aforesaid acts. In view of the long-established public policy of pensioning those who served in these military units and their dependents we are justified in assuming that the omission of this class from these acts was by inadvertence. On several former occasions when a similar omission had been made in pension acts it was promptly corrected by joint resolution of Congress, and inasmuch as the adoption of the pending resolution will not add to the pension rolls a new class of beneficiaries who have not heretofore enjoyed a pensionable status, justice and sound public policy justify, and I think demand, the adoption of the pending resolution, the main purpose of which is to correct a manifest injustice and to equalize the pensions of persons belonging to the same class who are not now on the same footing, and which inequality results from some having been pensioned under one act and others under a different act.

Practically all the soldiers who served in the Provisional Missouri Militia and the Missouri State Militia, who are now living, are drawing pensions, and nearly all of the widows of these soldiers are now already on the pension rolls, but some of them are not drawing as much as others, although belonging to the same class. Some are pensioned under one law and others acquired their pensionable status under another act. Those pensioned under one law are getting $30 per month and others belonging to the same class and of the same age, who were pensioned at a different time and under a different act, are getting $40 per month.

Before May 23, 1928, all widows of Civil War veterans who were drawing pensions received the same amount, $30 per month. This included the widows of soldiers who served in the Missouri State Militia and the Provisional Missouri Militia. That is to say, prior to the act of May 23, 1928, there was no discrimination against widows of soldiers who served in the Missouri State Militia and the Provisional Missouri Militia. The act of May 23, 1928, was passed in response to a nation-wide demand for an increase in the pensions of widows of Civil War veterans. This act attempted to increase the pension allowance of all widows of Civil War veterans from $30 to $40 per month, but in drawing the bill the benefits of its provisions were limited to widows of persons who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more, and who had married their soldier husbands prior to June 27, 1905, and who had then attained or may hereafter attain the age of 75 years, and who were pensioned under the general pension laws. It is apparent that this act was not sufficiently broad and comprehensive to include soldiers who served in the Missouri State Militia or Provisional Missouri Militia or their widows and minor children for the reasons I have heretofore enumerated.

I am quite sure the scrivener who drafted the act of May 23, 1928, had before him one of the former pension acts that limited its benefits to those who served in the Regular Army, Navy, or Marine Corps. I do not think that the failure to include widows of soldiers of the Missouri State Militia or Provisional Missouri Militia was intentional, as theretofore Congress had firmly established the policy of placing the widows of the soldiers of these Missouri organizations on exactly the same footing as widows of persons who served with the regular military, naval, or marine forces of the United States during the Civil War period. The act of May 23, 1928, was evidently intended to liberalize and increase the pensions of all widows who have attained or may hereafter attain the age of 75 years, and in enacting this law, I am confident that no Member of Congress understood that the benefits of the act were to be withheld from certain widows who had previously been on an exact equality

with the widows who are beneficiaries under the act of May 23, 1928. As similar mistakes and omissions in the past had been twice remedied by the adoption of the joint resolutions of February 15, 1895, and March 4, 1907, so the pending resolution will correct and cure the omission and mistake in the acts of May 1, 1920, July 3, 1926, and May 23, 1928.

I am sure no one will contend that by employing the language that was used in these last three acts, Congress intended to discriminate against the widows of soldiers who served in these two Missouri military units, and these acts did not indicate a deliberate departure from the theretofore well-established policy of placing all Civil War widows entitled to pensions on an equality without reference to the particular organization in which their soldier husbands served.

It is a reasonable inference that the draftsmen who drew the last three acts, in attempting to enumerate the classes that would get the benefit of an increase in pension, by inadvertence, failed to use language descriptive of the classes sufficiently broad to include those who have a pensionable status by reason of a soldier's service in the Missouri State Militia or the Provisional Missouri Militia.

Mr. SNELL. There are no new names added to the general law by this resolution?

Mr. LOZIER. I will say to the gentleman from New York that this is the situation, inasmuch as the Missouri State Militia and the Provisional Missouri Militia actively cooperated with the Federal forces, they were given a pensionable status as far back as 1873. Later their widows and minor children were given the benefits of our pension laws. Our pension policy is reflected in numerous acts passed from time to time, and generally speaking, each act was more liberal than the previous ones. In many of these acts reference is made to previous acts or to a group or class pensioned by preceding acts. Some of these acts seem to have been loosely drawn, and fail to enumerate certain groups who had previously been granted a pensionable status under former enactments. These three acts mentioned in the pending resolution gave additional benefits to a certain class of pensioners, but failed to give these same benefits to another class of pensioners.

Mr. SNELL. And this is to give added benefits to men who are now drawing pensions?

Mr. LOZIER. Yes; and to equalize pensions and prevent discrimination. This resolution, if adopted, will equalize the benefits and place the persons who belong to the same general class or group on exactly the same basis.

Mr. SNELL. How many men does this apply to?

Mr. LOZIER. I can not speak with certainty as to the number of persons that will be affected by this bill, probably less than 200. Yes; probably less than 100, but I can not indicate the exact number. Its chief effect will be to place all pensioned widows who have reached the age of 75 years on the same footing. Some now get $40 per month and others only $30. Widows of soldiers who served in the Missouri State Militia or the Provisional Missouri Militia and who are 75 years old, are now drawing only $30 per month. If this resolution is adopted these widows who have reached the age of 75 years will get $40 per month—the same amount that is now being paid to widows of soldiers who served as a part of the regular military or naval forces of the United States.

It was shown by the hearings that there is but a handful of persons who will be benefited by this act and it was estimated that the additional annual cost to the Government would range from $2,000 to $5,000, or a probable average additional annual cost of $3,000.

The SPEAKER. Is there objection?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, why does this resolution apply to the Missouri State Militia and not apply to the militia of Kentucky?

Mr. LOZIER. I understand that Missouri is the only State in the Union where the militia of this particular class, under their own officers, and under an arrangement with the War Department, cooperated with the Federal forces. I do not understand that the militia of Kentucky was organized on the same basis as the Missouri State Militia or the Provisional Missouri Militia, or under a similar arrangement between the State and the Federal Government.

Mr. KINCHELOE. I beg the gentleman's pardon. That is not a correct statement.

Mr. LOZIER. Kentucky, West Virginia, and some of the other border States organized militia companies known as home guards, but I do not think they were organized on the same basis as these Missouri regiments, nor did they cooperate with the Federal armies in the same way. I am not sure that any of these military units have been brought under the provisions of the general pension laws, but most of them, like the Enrolled Missouri Militia, have not yet been given a pensionable status. I will say to the distinguished gentleman from Kentucky that I think the time is ripe to extend the benefit of our general pension laws to the soldiers who served in the Enrolled Missouri Militia and in similar militia companies in the States of Kentucky and West Virginia and to the dependents of these soldiers. I will be glad to cooperate with the gentleman from Kentucky in securing a pensionable status for these old militiamen and their dependents. Only a few of these old soldiers are left, and, in view of our liberal pension policy, I think that these soldiers, their widows, and minor children should be given a pensionable status.

Mr. KINCHELOE. The militiamen of the State of Missouri were never nationalized and were never in the Union forces.

Mr. LOZIER. The gentleman from Kentucky is correct, but the Provisional Missouri Militia and the Missouri State Militia both during and since the war were recognized by the Federal Government as being on a different basis than the Enrolled Missouri Militia, soldiers of which latter organization have never been given a pensionable status. And this resolution does not give a pensionable status to the members of the Enrolled Missouri Militia, though, as I have already stated, I believe the time has come when the members of these organizations and their dependents should be given the benefit of our beneficent pension policy.

Mr. KINCHELOE. Why did they call them "provisional"? In other words, why is it that the militia of Kentucky and West Virginia have not been placed on the provisional roll?

Mr. LOZIER. They were called "provisional" militia because they were provided for an immediate service and to meet an urgent necessity. Some of these West Virginia and Kentucky militia companies, like some of the Missouri militia companies, were not organized under an agreement between the States and the Federal Government and did not cooperate with the regular Federal forces in the same manner or to the same extent that these Missouri units cooperated with the regular troops of the United States. As I have stated, we have in Missouri quite a number of men who served in the Enrolled Missouri Militia, and they probably have the same status as your Kentucky militiamen, and they have not been given a pensionable status. As far back as 1873, when the character and extent of the services rendered by the several militia companies in the several States were well known, the Federal Government, recognizing the superior claims and superior service of the Missouri State Militia and the Provisional Missouri Militia, granted the members of these organizations a pensionable status. The character of the service rendered by these different military units was then fresh in the minds of the American people, and this explains why Congress recognized the distinction as far back as 1873, when it granted a pensionable status to those who served in the Missouri State Militia and the Provisional Missouri Militia and withheld these pension benefits from those who served in the militia companies of Kentucky and West Virginia.

Mr. KINCHELOE. How long have these provisional enrolled soldiers of Missouri had a pensionable status?

Mr. LOZIER. Since the act of March 3, 1873.

Mr. KINCHELOE. How many on the pension rolls from the Provisional Enrolled Militia of Missouri?

Mr. LOZIER. I can not answer the gentleman exactly, but nearly all of these old men are gone. Quite a number of their widows still survive, and it is my understanding that the Pension Bureau states that this resolution will only affect a handful of these soliders and their dependents, and that the additional expense to the Government will probably amount to about $3,000 annually.

Mr. KINCHELOE. I was not so much interested in that part of it as I was because it strikes me on the face of it, it is a discrimination.

Mr. LOZIER. As the gentleman well knows, all the pension acts, beginning right after the Civil War, made 90 days' service in the United States Army, under United States Army officers, a condition precedent for the granting of pensions.

Mr. KINCHELOE. And these provisional soldiers about whom the gentleman speaks now, had that status?

Mr. LOZIER. They were given a pensionable status by the act of March 3, 1873.

Mr. KINCHELOE. I remember that since I have been in Congress there was a bill proposed to give all the members of the home guard, as we call them in Kentucky, a pensionable status, and I recall that former Speaker Clark left the chair and made a speech here on the floor in favor of it. It passed the House, but was killed in the Senate.

Mr. LOZIER. Yes; I think the bill to which the gentleman from Kentucky refers was a bill to give a pensionable status to those who served in the Enrolled Missouri Militia, but those

soldiers have never been given a pensionable status, and the pending resolution does not give them a pensionable status.

Of all the States that suffered from border warfare during the Civil War period, Missouri was probably most devastated by the rip tides and cross currents of the opposing armies of the North and South. The Union and Confederate forces alternately swept across the State, leaving woe and desolation in their wake. It was to meet this situation that the Federal Government created the Department of the West and the Department of the Missouri, and by the act of March 25, 1862, Congress provided—

That the Secretary of War be, and he is hereby, authorized and required to allow and pay to the officers, noncommissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, where their services were accepted and actually employed by the generals who have been in command of the Department of the West or the Department of the Missouri, the pay and bounty as in cases of regular enlistment.

This act further gave these officers and privates a pensionable status when wounded or incapacitated for service.

The act of March 25, 1862, placed those who served in Missouri Militia organizations (whose services were accepted, and who were actually used by the generals in command of the Department of the West or the Department of the Missouri, although not actually mustered into the Army of the United States) on a different basis than those who served in militia organizations in other States. They were given this preferred and pensionable status if their services were accepted and actually employed by the generals in command of the Department of the West or the Department of the Missouri.

Mr. TILSON. Is the gentleman ready to assure the House that this joint resolution does not enlarge the class that now draws pensions?

Mr. LOZIER. Yes; this resolution adds no new class to the pension rolls. It will in some instances increase the allowance and remedy present discriminatory conditions. It does not give a pensionable status to any group or class of soldiers or their dependents who have not heretofore had and who do not now have a pensionable status.

Mr. TILSON. But it enables the members of the said class to take advantage of more recent laws. Is that the case?

Mr. LOZIER. Yes; the statement of the gentleman from Connecticut is correct. This resolution extends to the survivors of the Missouri State Militia and the Provisional Missouri Militia who rendered service during the Civil War and their dependents, who now have title to pension under existing law, the advantage of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928. Under the present law these survivors are receiving $50 per month, and by extending the benefits of these acts to them they will be automatically increased to $65 per month, with further increase to $72 and $90 per month in case of partial or total disabilities. The widows of the Missouri State Militiamen and the Provisional Missouri Militiamen who have title under existing law now receive $30 per month. This will increase them to $50 per month under the provisions of the act of July 3, 1926, if married to the soldier prior to or during the period of his service during the Civil War.

It also allows them the benefits of the provisions of the act of May 23, 1928, increasing their pensions from $30 per month to $40 per month if they have or may hereafter attain the age of 75 years. All widows must show their husbands rendered 90 days or more military service and were honorably discharged from all contracts of service, or, regardless of the length of service, were discharged for or died in service of a disability incurred in the service and in the line of duty, and that they were married to the late soldier prior to June 27, 1905.

As I have stated, there are two precedents extending the benefits of existing pension laws to the survivors of the Missouri State Militia and the Provisional Missouri Militia and their dependents. The first was a House joint resolution approved February 15, 1895, and the second was a House joint resolution approved March 4, 1907. I have already explained these resolutions in detail. The pending resolution extends the benefits of the acts of May 1, 1920, July 3, 1926, and May 23, 1928, so as to include the officers and privates of the Missouri State Militia and the Provisional Militia and their widows and minor children, just as House joint resolution, approved February 15, 1895, extended the provisions of the act of June 27, 1890, to these classes, and just as House joint resolution, approved March 4, 1907, extended the benefits of the act of February 6, 1907, to these same classes.

Mr. CANNON. Mr. Speaker, the only criticism that can be made of this bill is that it does not go far enough. It should also provide a pensionable status for all who served during the Civil War in the Missouri Militia and the Provisional Enrolled Missouri Militia and their survivors. Thousands of loyal citizens of the State enlisted in these organizations, were armed and equipped by the Federal Government, commanded by Federal officers, fought side by side with Federal troops, and the State of Missouri has since been reimbursed for their services by the Federal Government. But because in the turmoil of war they did not happen to be sworn into the Federal service, that technicality has excluded them and their widows from the benefits of the pension laws enjoyed by their comrades, who rendered no greater service, endured no greater hardships, and contributed no more loyally to the preservation of the Union. It is to be hoped that in the near future their patriotic services will be recognized by legislation giving them equal pensionable status. But in the meantime this bill is a step in the right direction. It allows veterans who are now limited to a pension of $50 per month the advantage of recent enactments providing for increases to $65 per month, with a further increase to $72 and $90, respectively, in case of partial or total disabilities. It also permits widows now receiving $30 per month to take advantage of recent legislation authorizing increases to $40 and $50 per month, depending on date of marriage. For this reason the bill should be passed. It is to be hoped that it will also serve to call attention to the need for additional legislation providing for other members of Missouri organizations whose services in the war entitle them to the same consideration but who have for more than half a century been deprived of this deserved recognition.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. W. T. FITZGERALD]?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal and disposition of matters on the Speaker's table, I may be permitted to address the House for 30 minutes.

Mr. TILSON. Mr. Speaker, the Consent Calendar is a very heavy one, and I am loath to allow the gentleman to take 30 minutes on Consent Calendar day.

Mr. CONNERY. I will modify my request and ask for 20 minutes.

Mr. SNELL. What is the matter with to-morrow?

Mr. TILSON. Will the gentleman be ready to-morrow?

Mr. CONNERY. No; I am not ready for to-morrow, but I will be ready for Monday or Tuesday.

Mr. SNELL. Tuesday is to be a full day for the Committee on the Merchant Marine and Fisheries. They have two bills that will take the entire day, Mr. Speaker. It would be all right to-morrow.

Mr. CONNERY. All right, Mr. Speaker. I will try to be ready to-morrow, and will change my request and ask for 30 minutes to-morrow.

Mr. TILSON. So far as I am concerned the gentleman can have as much time as he needs to-morrow.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of matters on the Speaker's table, he may address the House for 30 minutes. Is there objection?

There was no objection.

IMMIGRATION

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 318, a privileged resolution, which I send to the Clerk's desk to have read.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution the Committee on Immigration and Naturalization shall have one legislative day for the consideration of the following bills:

H. R. 16927, to clarify the law relating to the temporary admission of aliens to the United States.

H. R. 16926, granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science.

S. 5094, making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

That after general debate on each bill, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, each bill shall be read for amendment under the 5-minute rule. In the case of the bill S. 5094, it shall be in order to consider without the intervention

of the point of order, as provided in clause 7 of rule 16, the committee amendment recommended by the Committee on Immigration and Naturalization now in the bill, and such committee amendment for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of the reading of each bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on each bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. Mr. Speaker, this rule makes in order three bills reported favorably by the Committee on Immigration and Naturalization. The bills are a bill to clarify the law relating to the temporary admission of aliens to the United States, a bill granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science, and a bill making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

I might state that the so-called Schneider bill or naturalization bill is not in issue, neither is the Box quota bill.

This rule simply permits the consideration of these bills under the general rules of the House, permitting one hour general debate on each bill, with the exception that in the consideration of the Senate bill (S. 5094) the amendment which has been suggested by the committee may be considered without being subject to a point of order.

These are immigration bills and will be fully explained by the Immigration Committee when being considered.

Is any time desired in opposition to the rule?

Mr. O'CONNOR of New York. Yes; I would like to have some time.

Mr. MICHENER. How much?

Mr. O'CONNOR of New York. Fifteen minutes.

Mr. MICHENER. I yield to the gentleman from New York 15 minutes.

Mr. O'CONNOR of New York. Mr. Speaker and gentlemen of the House, it has been said around this Chamber that these three bills are perfectly innocent and do not involve much controversy. The Rules Committee has reported this rule for consideration of these three bills at this short session of Congress. Some of us who shall listen to the debate on the bills will be anxious to find out just what emergency prompted their being brought in under a rule when so much important legislation is still pending in this short session.

During the six years that I have been in the House, and during all that time I have been on the Rules Committee, I have always had grave doubt about any immigration bill which was presented to this House. It is not so much the particular provisions of any immigration bill as it is the spirit behind the bill with which I am deeply concerned. Here to-day I want to discuss that spirit which I believe pervades our country to an alarming extent, and I want to discuss it without any thought of the past or recent events. I approach it looking to my country's future.

I believe that there are many people in this country to-day who fear that these United States of ours is the most intolerant, narrow-minded nation on the globe. I am not going to use any bromides about loving my country. That is the gratuitous mouthing of a demagogue. If I think my country is wrong, I propose to criticize it in its own citadel. I will defend it against attack from without, but I reserve the right to criticize it from within. I fear there is a spirit pervading our country to-day reflected in these immigration bills that is a menace to the country—a spirit of intolerance and bigotry not only to religions but to races.

Take the first bill, relating to the deportation of alien criminals. Has anybody ever said anything here about establishing a penal colony for the deportation of citizen criminals and putting out of the country the criminal citizen?

Take another bill before us to-day, the Box bill, relating to immigrants coming over our borders. It represents a spirit of superior intolerance to our neighbors on the north and south.

Oh, I do not like the spirit behind all these measures. There seems to be a spirit of bigotry and intolerance in America directed at the races of the rest of the world that surely is un-American. There are certain people in our country who believe that no other race on the face of the globe can be compared in education, in culture, in respectability to the inhabitants of the United States.

Let me state here, gentlemen, not in order to say anything sensational but to bring the truth forcibly before this body: Take a railroad train and go through the South, through the West, through the North, and in the outlying sections of the country look at what we call our own people, who have not had the opportunities of the people in the big cities. You will see American people of the Nordic races, you will see people whose forefathers were here 300 years ago, but you will see them in the lowest state of civilization. Is that the type to which you refer when you speak of the "American blood" in America? Yes; you will see them in rags and tatters; you will see them unkempt, uncultured, uneducated, and uncouth.

Then I suggest you take an automobile and ride through the so-called foreign sections of the big cities and see these foreign people whom you hate so vehemently. Look at their children going to school in droves, seeking every opportunity for education, eager to acquire and to assimilate all the customs and habits of our country. See them going through the grammar schools, the high schools, to the colleges, from Harvard to Stanford, eager to become a part of America and of its institutions.

Let me make this assertion here, after due consideration, that I believe that the foreigners in this country to-day on the whole furnish better material for citizenship than many of the so-called American types living in outlying sections of the country.

Oh, I do not consider that an attack on my country. Every one of these bills is directed at one or a few particular races. Why is that spirit rampant in America? It is daily commented upon in colleges in nearly every issue of the current magazines.

How long can demagogues in all political parties continue to preach this doctrine of saying "America for Americans only" and further foment this vindictive intolerance evidenced by these bills? It surely must result in damage to our country. It is a spirit of vindictiveness against anybody whose ancestors were not born here 300 years ago. I do not care what its effect is in elections, but I do care what effect it is going to have on our country in the future.

Where is this doctrine being preached? On the political stumps by demagogues. But, more than that, this doctrine of intolerance of "American" narrow-mindedness is being preached in the pulpits of our churches, from the rostrums of small communities where people go to learn the thought of their communities. This doctrine is being propagated through the country by what I believe to be an ignorant, uneducated, cleric party, and I have no hesitation in saying it.

I further have no hesitation in saying that the preachers of intolerance, and I am talking principally about intolerance to races, are the most uneducated of any profession in America; that the clergy of America are the least educated of any profession in America, but they have the most powerful influence of any profession in America. They get a smattering of general knowledge, a little ecclesiastical training, but no broad vision, and then they go into a community and try to shape the thought of that community and preach that the Italian, the Jew, the Irish, the German are not fit to live in America. That is the danger to America. The country is flooded I might say with "Elmer Gantrys" preaching an un-American doctrine. Many Members are as afraid of an immigration bill as they are of a prohibition bill. They fear what will be said about them at home if they take a position in opposition to them. The preachers will attack them.

It is not a bad rule in approaching legislation to "beware of the Greeks bearing gifts," to see what spirit is behind the legislation.

These three bills are not needed now, but they will go to credit some men here in their districts with having furthered the cause of intolerance. I am as much interested in this question of restrictive immigration as anybody else, but I do not want America to become so narrow that it feels that these people of the Old World can not furnish something to this country. They have, in fact, furnished a great deal it has to-day. This smug nationalism is the greatest snobbishness that any nation could wear on its countenance in facing the rest of the world. Much we have in this country to-day we owe to the immigrants who came here from the Old World. Everyone knows the spirit behind the 1924 immigration law, directed principally at two peoples, the Italians and the Jews. That spirit of the Ku-Klux Klan has continued to persist. The same spirit I believe pervades these three bills here to-day—the sanctimonious, self-opinionated conceit that nobody else except the natural-born American, whatever he may be, is fitted to enjoy our present-day America.

I am not so much interested for the moment in what happens in immigration legislation. Perhaps immigration should be regulated. Perhaps we should close the doors. But I do detest the giving of false economic reasons to disguise intolerance. I regret to see labor deceived and deluded by false eco-

nomic reasons advanced, when I feel confident that the spirit behind the whole question is mean and contemptible and, worst of all, un-American. [Applause.]

REGULATING THE HEALING ART IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3936) to regulate the practice of the healing art, to protect the public health in the District of Columbia, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill (S. 3936) to regulate the practice of the healing art in the District of Columbia, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. ALMON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Maryland in reference to the House amendment known as the Johnson amendment, whether he will bring that back to the House, if necessary, in order to have it incorporated in the bill as a part of the bill, and give the House an opportunity to vote upon it? The amendment was adopted by a considerable majority. I do not think it would be fair to the House for the House conferees to recede without giving the House an opportunity to vote upon it.

Mr. ZIHLMAN. Mr. Speaker, there are only two amendments. It is true there are three, but one of them is a corrective amendment of the text. Necessarily, the conference report would come back to the House for action.

Mr. ALMON. But if the conferees receded on this amendment and brought back the conference report, we would have to vote the conference report up or down.

Mr. ZIHLMAN. Mr. Speaker, I do not understand what the gentleman desires.

Mr. ALMON. I mean this: Rather than recede from the House amendment known as the Johnson amendment, that the gentleman give the House an opportunity to vote on it before receding. It is a very easy question to answer yes or no.

Mr. ZIHLMAN. I do not see how the conferees could agree to bring it back for further instructions. We will bring back the conference report.

Mr. ALMON. I think the gentleman should agree to give the House an opportunity to vote upon it again rather than to let it go out.

Mr. ZIHLMAN. The gentleman presumes that the conferees are going to let that go out. The conferees are bound by the action of the House and they represent the will of the House. We will insist upon the House amendments and my unanimous-consent request carried with it the provision that we insist on the House amendments.

Mr. ALMON. I hope that the House conferees will insist on the Johnson amendment.

Mr. ZIHLMAN. We hope to bring the bill back with the House amendments agreed to by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. ZIHLMAN, Mr. BOWMAN, and Mr. BLANTON.

IMMIGRATION

Mr. SABATH. Mr. Speaker, I desire to propound an inquiry to the gentleman from Michigan. Does this rule provide that one hour of general debate shall be on each of these bills or one hour on all the bills combined.

Mr. MICHENER. On each bill.

Mr. SABATH. That is the information I desired.

Mr. MICHENER. Mr. Speaker, there being no further debate on the rule, I move the previous question.

The previous question was ordered.

The question was taken, and the resolution was agreed to.

TEMPORARY ADMISSION OF ALIENS TO THE UNITED STATES

Mr. VINCENT of Michigan. Mr. Speaker, under the rule just adopted by direction of the Committee on Immigration and Naturalization, I call up the bill H. R. 16927 for consideration.

The SPEAKER. The gentleman from Michigan calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16927) to clarify the law relating to the temporary admission of aliens to the United States

Be it enacted, etc., That section 3 of the immigration act of 1924 (U. S. C. title 8, sec. 203) is amended by inserting "(a)" after the section number and by adding at the end of the section a new subdivision to read as follows:

"(b) For the purposes of clause (2) of subdivision (a) of this section no alien shall be considered as visiting the United States temporarily as a tourist or temporarily for business or pleasure (1) if he is coming under an agreement already made, express or implied, to engage in or resume employment by a person in the United States, or employment in any business or industry of the United States whether or not the employer is a citizen or resident of the United States, unless in either case he would, if an immigrant subject to the contract-labor provisions of the immigration act of 1917, come within the specific exemptions of such provisions, or (2) if he is coming to seek employment in the United States."

Mr. VINCENT of Michigan. Mr. Speaker, will the Speaker call my attention when I have used 10 minutes?

Gentlemen of the House, this bill is not for the purpose of making any drastic change in the immigration law. It is for the purpose of making certain and clear the intent of the Congress with respect to one point of the immigration law of 1924, in view of certain court decisions which the committee believes have departed from the real intent of the Congress. When the immigration law of 1924 was adopted it was found necessary to permit certain persons to enter the United States as nonimmigrants. Those classes of persons were clearly set forth in the immigration law.

The classes of nonimmigrants, that is, persons who were not to be treated as immigrants at all, but who could come into the United States temporarily because they were not immigrants, were set forth in section 3 of the immigration law, and they are made up of six different classes of persons. The first class is the government official, his family, attendants, servants, and employees. That is, those who come here to represent another country as officials of that country are not immigrants to this country. Second, an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure. Those people were not to be considered as immigrants. They could come in for a brief limited period and then depart without undergoing the rules and regulations of quota, and so forth, that govern immigrants. The third class was the alien in continuous transit through the United States. That is, if a man came from a foreign country and landed at New York, but his destination was Montreal, Canada, he could pass through the United States without becoming an immigrant to the United States. Fourth, an alien lawfully admitted to the United States and who later goes in transit from one part of the United States to another through a foreign contiguous territory. That is, an immigrant admitted lawfully to this country, living in Buffalo, but passing to Chicago across the lower part of Canada, did not become an immigrant again when reaching the United States at Detroit, and so forth. Now trouble has arisen with respect to the second class that I named, that is, the alien visiting the United States temporarily as a tourist or temporarily for business or pleasure. Certain persons have come to the borders of the United States and claimed the protection of this clause 2 as nonimmigrants on the ground that they were intending temporarily to enter the United States for business. That business in each of these instances has consisted of this, either going into the United States to engage in a job of labor or some employment for which they have a contract, or, second, going into the United States to hunt for a job as a laboring man, or in some such employment. It was never the thought of the Committee on Immigration and Naturalization that a person coming into the United States to take a job, or to go about the country hunting for a job, was engaged in business. The intention the committee had is clearly expressed in its debates, and that was that we should not raise around the United States a Chinese wall through which business men, engaged in trade and having one part of such trade in a foreign country and the other part in this country—international commerce—ought not to be deprived of entering the United States temporarily for the purpose of carrying on a legitimate, substantial business which had, as I have said, a part of its situs in this country and part in another country.

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield there for a question?

Mr. VINCENT of Michigan. Certainly.

Mr. MORTON D. HULL. Does this affect those coming into this country as teachers in schools and colleges and preachers?

Mr. VINCENT of Michigan. This provision has no reference to them. That is covered by another provision of the immigration act.

Now, then, a short time ago certain persons entered the country first at Detroit and then at Buffalo, and when they were excluded from entering they brought suit in the Federal court on the ground that they were entering under this clause 2 of this provision. They contended that they were entering temporarily for business. That "business" consisted in many of these cases of coming into the United States to take a job as a laboring man, a job that had already been contracted for, and the court, in the second circuit court of the United States, Judge Manton, ruled that such person entering the United

States to take a job was entering the United States temporarily for business under the provision I have read to you. That has been followed by another case, where a man who appeared at the border formally stated that he had no job, and had had no opportunity to search for one, but that he had entered the United States temporarily for business, with the purpose of looking around the United States to get a job. The court held that this also came within the provisions of the law with reference to business.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield there?

Mr. VINCENT of Michigan. I would rather be allowed to make a consecutive statement, if I may.

Those people came from Canada. The action of the court applies to them, no matter from what country they came to Canada. One case arose where a gentleman who came from a foreign country in an ocean steamship to New York claimed he had the right to enter the United States for business, that business being to hunt for a job. The court has ruled that he could come in under this provision. Up to date almost 2,000 aliens have entered the United States under these and similar court rulings, either to take a job or to look for one.

Now, the purpose of the committee in bringing before the House for consideration this particular bill is to cure the situation which we feel has arisen under these court decisions. This draft of the proposed bill is the result of most careful study not only on the part of members of the committee but on the part of those experts consulted by the committee who have helped us in making this draft. It provides that for the purpose of clause 2 of subdivision (a) of this section no alien shall be considered as visiting the United States——

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. VINCENT of Michigan. Mr. Speaker, I will yield myself five minutes more.

Visiting the United States temporarily as a tourist or temporarily for business or pleasure, under either of two circumstances: First, if he is coming to take an employment already entered into, express or implied; second, if he is coming to seek employment in the United States.

Under the first provision, coming in to resume or to take employment that has already been expressly or impliedly agreed upon, there has to be a certain limitation, which is contained in this proposed bill, because we have a contract labor law that has certain exceptions to it which have been found necessary by the Congress, and the limiting phraseology in this first portion of this paragraph is designed to save the validity of these exceptions to the anti contract-labor provisions of the law.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield there?

Mr. VINCENT of Michigan. Yes.

Mr. DICKSTEIN. Is it not a fact that you can deport the very people who are attempted to be excluded by this bill under the act of 1920 and 1922?

Mr. VINCENT of Michigan. The gentleman suggests that at the end of the time of their temporary visit they may be deported if they remain over that length of time. I have suggested to the House that almost 2,000 people have been admitted to the United States or ordered admitted under court procedure under this loophole recently discovered. There are 2,000 already in, for the Department of Labor to try to keep track of, in the 3,000 miles that span this country from ocean to ocean, with the right to go to any part of it at any time they see fit under this court proceeding, and it seems to the committee, or to most of the committee, that it is better to stop the practice at the border than to try to hunt up the so-called "travelers" that have been admitted after the six months have expired.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. VINCENT of Michigan. Yes.

Mr. LAGUARDIA. Are the provisions of this bill sufficiently broad to apply to aliens coming from Mexico?

Mr. VINCENT of Michigan. They apply to both land borders of the United States, and also to the sea borders. It is not to be expected that so many visitors will arrive at the sea border, but the provision applies to all the borders of the United States.

Mr. LAGUARDIA. Do you think this bill will cure it?

Mr. VINCENT of Michigan. I think it will greatly relieve it.

Mr. BRIGHAM. Mr. Speaker, will the gentleman yield?

Mr. VINCENT of Michigan. Yes.

Mr. BRIGHAM. On the borders, both the Canadian and the Mexican, we have this condition, that citizens domiciled in Mexico and in Canada come daily across the border for employment in this country. What will be the effect upon them?

Mr. VINCENT of Michigan. If a person is domiciled in a foreign country—as, for example, in the case of Windsor, Canada—under this provision before he can continue to operate in any employment in Detroit he must comply with the law and be allowed to enter the United States as a quota immigrant or as an immigrant. Then, after he has received permission to enter the United States as a permanent immigrant, he is allowed under the law the right to depart at any time to a foreign country for not more than six months without losing his right to remain in the United States. So that if he wishes to have his house across the river in Canada and come in each morning to his work, after he has complied with the law, there is nothing in this provision that will prevent him from doing that.

Mr. BRIGHAM. If a person is a citizen of Norway, for instance, domiciled in Canada and comes across the border for employment in this country, in that event he would have to come as a quota immigrant under the Norwegian quota, would he not?

Mr. VINCENT of Michigan. He would.

The SPEAKER. The time of the gentleman from Michigan has again expired.

Mr. VINCENT of Michigan. Does the gentleman from Illinois desire some time?

Mr. SABATH. Yes. As I understand the rule, the time is to be equally divided, 30 minutes on each side.

Mr. JOHNSON of Washington. If the gentleman will permit, this particular bill is not contentious.

Mr. SABATH. But that is the rule, and I always believe in living up to the rules of the House and the laws and regulations. That has always been my position.

Mr. JOHNSON of Washington. Can the gentleman get along with 20 minutes?

Mr. SABATH. If I can, I will; but Judge Box is on this side, and as this is his bill he is entitled to some time.

Mr. VINCENT of Michigan. If the gentleman will permit, I desire to be entirely fair with him. I intend that he shall have time to speak and that the gentleman from Texas shall have time to speak. How much time does the gentleman desire?

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNOR of New York. Under the terms of the rule is it necessary for any agreement as to time? If the gentleman from Illinois is opposed to the bill, he is by right entitled to one-half hour.

Mr. VINCENT of Michigan. There is no objection on my part to that, and if the gentleman from Illinois desires that time, I will be glad to yield 30 minutes to him.

Mr. O'CONNOR of New York. But, Mr. Speaker, the gentleman is not yielding anything.

The SPEAKER. The Chair will state that this is a rather peculiar rule and it does not seem to be according to the usual rules. This is a House Calendar bill, and under the procedure of the House the gentleman from Michigan, having been recognized by the Chair, would have control of one hour and can do what he pleases in that hour. He can move the previous question or yield time for debate, but as this rule provides that one hour shall be equally divided between those favoring and those opposing the bill, that would supersede the ordinary rule to the extent of debate. The Chair thinks the gentleman from Michigan would retain control of the floor for the purpose of making such motions as he desires to make, and he only could do so. There is nothing in the rule which provides that any one particular person shall control the time, so that the Chair could recognize, in his discretion, any gentleman who was opposed to the bill and asked for recognition for one-half hour.

Mr. O'CONNOR of New York. Without any necessity of yielding time by the other side?

The SPEAKER. The Chair thinks that would be the proper way to proceed.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. I assume from the proceedings that have been had up to date on this bill that the Speaker holds that it is not necessary under the rule to go into the Committee of the Whole to consider these bills.

The SPEAKER. As to the first bill.

Mr. MAPES. And to that extent ignores the language of the rule which says that at the close of the consideration of each bill the committee shall rise and report the bill to the House.

The SPEAKER. Well, those bills are Union Calendar bills, and a motion would be necessary for the House to resolve itself into the Committee of the Whole House. This is a House Calendar bill.

Mr. MAPES. But the language of this rule says that at the conclusion of the reading of each bill mentioned in the rule the committee shall rise.

The SPEAKER. The Chair would think that only referred to Union Calendar bills. Obviously we are not in the Committee of the Whole, and this bill must be considered in the House.

Mr. MAPES. So the Chair interprets that language as not meaning exactly what it says?

The SPEAKER. Quite so. In construing the rule it is necessary to assume that it does not mean what it says. The Chair recognizes the gentleman from Illinois [Mr. SABATH] for 30 minutes.

Mr. SABATH. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Speaker and Members of the House, I do not quite follow the remarks made by the member of the committee, the gentleman from Michigan [Mr. VINCENT].

If a man enters this country for business purposes and it is found while in this country he is doing some other kind of work, there are certainly sufficient provisions in the deportation law to put him out. Now, how can we physically determine what he is going to do until he actually gets into the United States?

If a man should go before a consul—referring now to Montreal—and say, "I want to go to the United States for the purpose of business," what evidence has the consul that he will do anything else but that thing which he is speaking about, namely, that he is going to do some sort of business which he has the right to do under the treaty between the two countries?

After he gets here and it is found he is engaged as a hod carrier or as a laborer, there is enough in the deportation law to grab that man and throw him out. In other words, the man changes his status; and no person has a right to change his status; and under the present law even the Commissioner of Labor can not change your status once you are in here for business purposes or for pleasure.

Mr. VINCENT of Michigan. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. VINCENT of Michigan. Does the gentleman mean to say that under the court holdings that have been referred to, if a man is found laboring in this country he is immediately deportable? Have not the courts, on the contrary, held that that is business and therefore he is protected?

Mr. DICKSTEIN. In the first place, how can we find out what a man is going to do until he is actually in the United States and we see what he does? Suppose a man comes into the United States and does the very thing that he said he would do before the American consul, and that is that he is engaging in some business; and let us assume that the next day he abandons that business and goes to work as a laborer. How can we actually know these facts until this man actually gets in here? We can not determine these things while the man is crossing the border.

Mr. GIFFORD. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. GIFFORD. Would a young woman coming from Canada into my city, where perhaps 40 per cent of the population are from Canada, to act in the capacity of a nurse for a distant or near relative be debarred from coming in if she were to say when applying to be admitted that she is coming for a small consideration to look after a relative?

Mr. DICKSTEIN. Yes. Under the present law she would be here under the contract-labor provision. It is a clear-cut case that the gentleman has illustrated; but that lady can come in here for the purpose of visiting and say nothing about compensation and take care of her relative or as many relatives as she wants to, but the moment she tells the American representative at the point of entry that she is coming here for the purpose of engaging in labor, under the present law she is under mandatory exclusion.

Mr. GIFFORD. Under this amendment she will be asked that and will have to say so.

Mr. DICKSTEIN. You are assuming a state of facts that does not appear in this record at all.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DICKSTEIN. In just a moment. What we should do in this case, if we want to fix the law and put the law where it should be, is to put Canada under the quota and let each person enter the United States accordingly.

Mr. VINCENT of Michigan. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. VINCENT of Michigan. The gentleman said that a nurse coming in under the situation presented by the gentleman from Massachusetts would fall afoul of this provision. Nurses are under the exceptions of the contract labor law and therefore are particularly excepted.

Mr. GIFFORD. I did not mention a nurse.

Mr. DICKSTEIN. Prior to the act of 1924 a nurse or a lawyer or a doctor was exempt from the quota. In the act of 1924 we eliminated all professions.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. JOHNSON of Washington. The gentleman from Massachusetts [Mr. GIFFORD] inquired about a person coming from Canada. Canada is not under the quota and therefore a nurse can come in under the exemption of the contract labor law.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the purpose of this bill, clearly, is to meet a situation now existing concerning countries that do not come under the quota. I think I am correct in that.

Mr. BOX. It applies to others, too.

Mr. LAGUARDIA. It applies to others, but the cases of violation of the visitors' privileges from countries coming under the quota are individual cases. From Canada and Mexico you have wholesale and daily abuse of that privilege.

I want to point out to the Committee on Immigration that there is only one way to cure that situation, as suggested by my colleague from New York, and if you want to be perfectly fair about this, if you are really intent and bent upon protecting American labor, the way to do it is to put Mexico and Canada under the quota. [Applause.]

The trouble, gentlemen, is this. I have read the hearings before the committee on the Mexican situation. The committee was inclined to apply the quota rule to Mexico, but there was tremendous pressure brought to bear by the beet growers and the railroads. They frankly told you that they preferred green labor from Mexico to the Mexicans born and raised in New Mexico, because they could get longer hours and could get them to work for lower wages. Now when you come here and say you are seeking to protect the American labor market, you are estopped from taking that position until you apply the quota law to Mexico and Canada.

We have had conditions in the building trades up North where contractors went into Canada to get stonemasons and bricklayers and bricklayers' helpers because they could get them cheaper. Yet the committee comes here and seeks to apply the most rigid and strict quota provisions to the countries of Europe under the pretext that they are protecting American labor when, as a matter of fact, the very law encourages and countenances the worst kind of peonage labor we have ever had in the history of this country. As long as the doors of Mexico are open to laborers for railroads and beet growers—on starvation wages—do not talk about protecting American labor.

The conditions under which Mexicans are working in the beet fields are nothing short of inhuman and disgraceful. The growers frankly told you that they wanted that kind of labor. They want the peon labor that will huddle in huts and accept contracts whereby they work whole families under the contract system at ridiculously low wages. That is the condition possible under the immigration policy. That is what is destroying the American standard of wages, and not permitting these people to live up to any kind of a standard of living.

Let us be perfectly frank about this. If it is desired to remedy existing evils, then go to the root of the evil. When a man comes as a visitor it is the intent of the law that he must be a bona fide visitor, it is not the individual cases that is the real trouble, it is the wholesale importations of thousands and thousands of peon labor which the law permits and the supporters of this bill tolerate and countenance.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. VINCENT of Michigan. I yield 10 minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Speaker, I have had pending for some time a bill placing quota restrictions on Mexico and Canada and other American countries which I am heartily supporting, but that is not what is involved here, and I do not wish to divert your minds from the question before you.

This bill is intended to clarify the law and make it read exactly what your committee understood the law to be when the act of 1924 was written, and what we think you want it to be now.

The decisions were clearly outlined by the gentleman from Michigan [Mr. VINCENT], and are to the effect that one coming to the United States to work as a laborer at a job, or when coming to seek employment, is coming for business within the exception stated in the act of 1924. They hold it to be a temporary visit for the purpose of business. It has not been so understood by the committee nor has the Department of Labor so construed it.

This is an effort to carry forward the law as we understood that we had written it, but those provisions have been impaired by these decisions, the effect of which is to nullify the contract labor provisions of the law in so far as they apply to a man coming to work, holding a job he already has, or to seek one.

If you will remember the contract provisions of the labor law, they are designed especially to prevent men from going into foreign countries and making contracts with laborers and others and importing them into the United States for that purpose. That has been of itself a sufficient reason for exclusion in the administration of the law as it existed heretofore. It is intended now that the meaning shall be made plain so that the man who comes seeking a job and the man who comes to hold a job already obtained will not be held to be within the exception.

There are two questions involved in these decisions as I construe them, but we are dealing directly with one of them here. I think there is no doubt that if it finally becomes a law it will apply to labor-seeking aliens from every country who are not excluded by other provisions of the law, such as those ineligible to citizenship and those from the barred zone. Aliens from every country except such as are specially barred coming temporarily for the purpose of seeking or holding employment as laborers will be admitted unless the court's ruling is changed by the Supreme Court or unless Congress changes the statute as are now proposed to do.

I am informed that the court admitted an Italian at the port of New York on the ground that he was coming temporarily to seek employment. The purpose of this is not to present to you any radical change in the law. I wish it were more drastic, but I shall not oppose it merely because it does not go all the way I would have it go.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOX. I yield.

Mr. LAGUARDIA. Does the gentleman state that this Italian who came to the port of New York was coming as a visitor?

Mr. BOX. Yes; seeking employment. Most gentlemen who have spoken against this bill have been a little bit wrong on this point—I do not know that the gentleman from New York [Mr. LAGUARDIA] fell into that error—but when the immigrant comes we do not wait until he gets in to determine whether he is coming for a lawful purpose. We examine him to see if he is coming as a contract laborer. These people declare their purpose on entering the country. We examine them to see if they are coming as contract laborers within the meaning of the act as it has existed for years.

The purpose of this bill is to bar them when their intent develops at the port, and it is the duty of the administrative officers to discover that intent in order to enforce the law.

Mr. LAGUARDIA. The gentleman stated there is a case in New York where the court held that an immigrant from Italy who came here and afterwards was looking for work——

Mr. BOX. No; not afterwards. He came here declaring that his purpose was to look for work.

Mr. LAGUARDIA. Was he a quota immigrant?

Mr. BOX. No; he was seeking to enter as a temporary visitor for business within what the court held to be the meaning of the act of 1924.

Mr. LAGUARDIA. But that was not the intent of the act.

Mr. BOX. Your committee has its own convictions about the meaning of that law and what construction ought to be given it, but it does not seem proper for Congress to array itself against what the courts have done so far. We hope that any error they have made will be rectified, but the breach developed by this decision is a serious one. As the gentleman from Michigan said, some 2,000 have already been admitted, and great numbers of others may be admitted in the course of a few months or a few years, both from the northern and southern borders, and also from the coastlines. While gentlemen might not be willing to go along with me to what they regard is an extreme length in dealing with immigration from Mexico and other countries, I think this legislation is essentially sound, and if you want to maintain the contract-labor provisions of your law as they now are, you ought to support this bill.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. MOORE of Virginia. As I understand this bill, it would not touch such a case as was stated a while ago by the gentleman from Massachusetts [Mr. GIFFORD]. That was the case of a nurse coming in.

Mr. BOX. It adds no new features to the law as we thought we were writing it in 1924. I think the gentleman from Massachusetts [Mr. GIFFORD] afterwards said that he did not intend that to apply exclusively to a nurse, but under the law as it has been construed up until recently, if she came for the purpose of engaging in any form of contract labor, she would have been excluded heretofore. This amendment is written for the purpose of making it plain hereafter that the law is just as Congress intended it before.

Mr. DICKSTEIN. If the gentleman will permit, I think I stated the law correctly when I stated to the House that a person who enters the United States for the purpose of business, and who states to the immigration officers that she is to be employed as a nurse for compensation, would be mandatorily excluded under the present act.

Mr. BOX. Under the court decisions they come in temporarily. The gentleman also said that if she would keep her mouth shut, in other words, hide from the department what she had in her mind, she might be admitted, and after she had hidden the facts, including her intent and, being in truth a contract laborer, had disclosed the fact by her subsequent conduct, then the Government could hunt her up and take her out; but I say now, in discussing that pertinent question, that while your Government is deporting about 12,000 people annually who are illegally in the country, the administrative officers admit that they are not doing anything like all of the deporting that ought to be done, and this argument that we should leave the gap open and let them come in and thereafter catch them and take them out does not appear to me to be sound.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. LAGUARDIA. According to my experience 20 years ago as an immigration official, all of the real contract-labor cases that were detected were detected after they landed, because contract labor does not arrive at the port of entry and tell its whole story.

Mr. BOX. The gentleman may have found that condition existing 20 years ago, and doubtless many contract laborers yet get in, but if he will examine the reports of the Commissioner General of Immigration he will find that great numbers are excluded at the port and deported because of the fact that they try to come in in violation of the contract labor law, and that is developed upon their application for admission—great numbers of them.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes, if I have the time.

Mr. ROBSION of Kentucky. I am very much for the rule and for the bill, but it seems to me that so many more people are coming in——

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it will be so ordered.

Mr. ROBSION of Kentucky. I hope the gentleman will also extend my question and the answer to it at the same time. [Laughter.]

Mr. SABATH. Mr. Speaker, I presume some Members will be surprised when I give my reasons for opposing this bill. They are not because of what it does but because of the things that should have been added to the bill that are not embodied in it. I want to make impossible such things as are complained of to-day, where a large number of aliens are coming in for work. This law applies only to those people who reside in Canada or Mexico, who are not Mexicans or Canadians, or South American or West Indian born citizens. A Mexican, or a Canadian, or those born in Central or South America, Cuba, or the West Indies may come in here now, in as large numbers as they desire, and they do come. There is no quota against any of them. The gentleman from Texas [Mr. Box] and myself have tried to place Mexico, Canada, and Central and South America, including the West Indies, under the quota basis. If that had been done we could have accomplished much more than the gentleman from Texas has finally succeeded in obtaining in this bill. So I am not, as I stated, opposed to the bill because of what it does but because of the things that are not embodied in the bill, which I think it should provide for. I take the attitude

that if there is a law of the land, it should be upheld. I do not believe that any judge or any administrative official should evade the law by placing an erroneous or false construction upon its provisions.

I feel that if any man comes here in violation of the law, or is trying to come, he should be deported or should be precluded. But let us see to whom this act applies. You gentlemen remember that up to a few years ago there was a law providing that aliens who had resided in Canada or Mexico for a period of one year could enter the United States in the same manner as those who had been born in those countries. A little later on Congress extended that one-year provision to three years. Finally, a few years thereafter, Congress extended it to five years, making it impossible for a man to come from Mexico or Canada or one of these other countries to the United States if he was not born in one of them or if he had not resided within the borders of one of them at least five years; and then in the act of 1924 we eliminated completely the time limit and provided that no one, no matter how many years he may have resided in Mexico, Canada, Cuba, or one of the South or Central Americas, can enter the United States outside of the quota if he is not a native of one of those countries. So we completely cut out those people who have resided there for years without giving them a fair chance or opportunity, as I pleaded for them to have from time to time when these immigration bills were under consideration here. Now the blame is all placed upon those people. I have repeatedly called your attention to the fact that the blame is not with them.

The blame lies with the steamship companies and with the department which permit these steamship companies to mislead the people and bring them in under false pretenses, telling them if they will make the voyage on a Canadian steamship they would bring them to Canada and they could then enter the United States.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SABATH. I will.

Mr. HUDSPETH. The gentleman, as I understand, complained against this bill that it does not apply the quota to Canada, Mexico, and South American countries?

Mr. SABATH. Yes, sir.

Mr. HUDSPETH. I want to ask if, when the general immigration restrictive law was passed, the gentleman voted to apply the quota to all nationalities coming into this country?

Mr. SABATH. At that time, if my memory serves me right, I was in favor of treating all nations and all peoples equally and fairly.

Mr. HUDSPETH. Did the gentleman vote for the general restrictive law which we passed here several years ago, in 1924?

Mr. SABATH. I did not, because I said then that it was a discriminatory measure because under the old law it was claimed they were protecting the American laboring man, and yet nearly 200,000 were permitted to enter from Canada, Mexico, and so forth, and then as to other sections, we cut to the minimum those classes which have demonstrated their loyalty to this Nation. There are many who have thus been very unjustly discriminated against; who have proven their desirability, and who have proven their loyalty and their patriotism. That is why I voted against that bill and knowing what the real conditions have been for the last three years; how these Canadians, and especially Mexicans, were being brought in, thus becoming competitors of the American laboring man, I have been advocating that all these nations—not one, but all of them—be placed on an equal quota basis. I have consistently pleaded here that we be big enough, broad enough, capable enough, and courageous enough to treat all peoples alike.

That was my position heretofore, and it is my position now.

Mr. JOHNSON of Washington, Mr. Speaker, will the gentleman yield?

Mr. SABATH. No; I regret I can not.

Mr. JOHNSON of Washington. Just for a question?

Mr. SABATH. I will yield.

Mr. JOHNSON of Washington. Will the gentleman help the committee prepare bills to do just what he has outlined?

Mr. SABATH. I will do it with pleasure. The gentleman knows I have always advocated equity and justice, fairness to all, and special privileges to none. As a Democrat I can not do otherwise. That has been my policy, and that is the reason why in my youth I joined the party that upholds these policies and these principles.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. GRIFFIN. Is it the gentleman's interpretation of the measure before us that it applies only to citizens of South and Central American States?

Mr. SABATH. It applies to everyone who is not a native, if he comes here seeking work under the pretense that he desires to engage in business. In other words, the courts have ruled that a man coming here for work means "business" under our treaty and under certain court rulings, and that is what the committee is trying to rectify.

Mr. GRIFFIN. The gentleman's understanding of this bill before us is that it applies to all coming in under the guise of "visitors" if their actual purpose is to seek work?

Mr. SABATH. Yes.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. ROBSION of Kentucky. I am for this bill, and I am much interested in the stand the gentleman is taking to exclude those people from entering through Mexico and Canada. May I ask why your committee has not reported out a bill and given us an opportunity to pass upon that question?

Mr. SABATH. I will admit this, that it is a very complicated proposition, and there are many things involved. [Laughter.] I can frankly say also that it has been charged that the railroad industry and the textile industry and to some extent the cotton industry do not want those people excluded because they tend to lower the price of labor. Those are not the only reasons—I will be candid with you—that enter into this proposition [laughter], and I would not want to be altogether too harsh with the gentleman's side of the House by charging that through its committee it has been neglecting to bring in such a measure.

Mr. ROBSION of Kentucky. Will the gentleman admit that it is discriminatory that the farmer should have a quota from Mexico and from Canada? So far as the gentleman's position is concerned, it is his party that professes to oppose special privileges to any.

Mr. GREEN. We want a quota put upon Mexico.

Mr. ROBSION of Kentucky. How about the cotton producers?

Mr. SABATH. I will say that the demand does not come from the southern Democrats, but it comes from the great cotton industry in the South, whose exponents happen to have developed a Republican organization recently; and it also comes from that section of the country that controls the railroads and the beet-sugar industry. You surely will not charge that the sugar barons have contributed anything to the southern Democracy at any time.

Mr. ROBSION of Kentucky. The gentlemen from the South who fight against this are not Republicans.

Mr. SABATH. We have some gentlemen from the South who are standing at all times for the Democracy of the Nation. They are not all absolutely correct in everything they say, or everything they write about, or go to. I agree that they have been wrong sometimes; they are wrong many times, but I hope that in the very near future we who do believe in Democracy and fair play and who are against unjustifiable discriminations, will be able to convince even those gentlemen from the South who heretofore have been so fair, and in the future persuade them to meet us fairly and justly in granting the requests and propositions that we in the North and in the East stand for and advocate.

Mr. COLE of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. COLE of Iowa. The gentleman must admit that if this committee should report out such a bill, the House would pass it, and that the only reason we do not have this legislation is because the committee of which the gentleman is a member has failed to report it.

Mr. SABATH. I want to say this, that I do not think there is a harder working committee in the House than the Committee on Immigration, and I am in a hopeless minority there. But I will say that these men on the majority side of the committee are sincere and honest and are trying to do the best they can for the country. When it comes to the matter of the consideration here of any proposed legislation that sounds like prohibition or restriction of immigration, why, you could bring in any kind of a bill, even a bill to deport me and half a dozen others who have the courage to come out and do certain things that do not suit certain restrictionists, and the majority might vote for such a bill. The trouble is we have not been tolerant enough and broad enough, as the gentleman from New York [Mr. O'CONNOR] stated only a few moments ago. I hope the prejudice that has been prevailing throughout the Nation in the last few years will soon become a matter of the past and that we will all treat one another fairly and justly and show some of that brotherly love that we hear so much about here and there on the part of certain people.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. O'CONNOR of New York. Has any bill ever been offered in the committee to deport those distinguished Nordics like Fall, Sinclair, and Daugherty, who stole the Nation?

Mr. SABATH. No; but they are not foreign born, you see.

Mr. O'CONNOR of New York. They are Nordics.

Mr. SABATH. Well, when we come to the question of deportation, I will show you who is being deported, and perhaps I will demonstrate that we deport much larger numbers of Nordics than we do of those from southeastern Europe or those against whom we have been legislating in the last eight years or so—since 1920.

Not wishing to delay the House, Mr. Speaker, I will conclude; and I ask unanimous consent to revise and extend my remarks. [Applause.]

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VINCENT of Michigan. Mr. Speaker, I move the previous question.

Mr. LAGUARDIA. Mr Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Will not the bill be read for amendment?

The SPEAKER. The Chair thinks not, the bill already having been read. The Chair, as he stated before, thinks this is not a very well-drawn rule, but the Chair thinks that the only amendment to the rules of the House that this rule makes is with reference to debate. As far as the control of the floor is concerned, it remains under the regular rules of the House; so that the gentleman from Michigan, having retained the floor, is entitled to move the previous question if he so desires.

Mr. LAGUARDIA. Will the gentleman withhold his motion to order the previous question so that I may offer the following amendment:

SEC. 2. All of the provisions of the immigration act of 1924 shall hereafter apply to the Dominion of Canada and the Republic of Mexico.

Mr. VINCENT of Michigan. I can not yield the floor for that purpose, Mr Speaker.

The SPEAKER. The gentleman from Michigan moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VINCENT of Michigan, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JENKINS and Mr. GRIFFIN rose.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS. Mr. Speaker, ladies, and gentlemen of the House, it shall be my aim to discuss the changes in the immigration laws as proposed by the three bills passed by the House on Friday, February 15, and Saturday, February 16. I do this in the belief that it may be of interest to Members who have not had time to study the matter carefully and because of a widespread interest in all immigration matters. These bills are known as the Box bill, the Free bill, and the Johnson deportation bill. These bills deal with entirely different phases of the immigration law and will be treated separately. Each of these bills must receive favorable action from the Senate and the President before it becomes a part of the law of the land.

THE BOX BILL

It must be made clear at the outset that this is not the Box bill that has received so much publicity in connection with putting Mexico and the Mexicans under the quota law. That bill will not be considered further in the present session of Congress. The Box bill as it passed the House Friday, February 15, is short, and because of the importance of getting the exact language I am incorporating it into my remarks.

It is subdivision (b) of section 3 as hereinafter printed. To better understand the proposed amendment I am inserting the whole of section 3 with the proposed amendment:

SEC. 3. (a) When used in this act the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except (1) a Government official, his family, attendants, servants, and employees; (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure; (3) an alien in continuous transit through the United States; (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory; (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman; and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation.

(b) For the purposes of clause (2) of subdivision (a) of this section no alien shall be considered as visiting the United States temporarily as a tourist or temporarily for business or pleasure (1) if he is coming, under an agreement already made, express or implied, to engage in or resume employment by a person in the United States, or employment in any business or industry of the United States whether or not the employer is a citizen or resident of the United States, unless in either case he would, if an immigrant subject to the contract labor provisions of the immigration act of 1917, come within the specific exemptions of such provisions, or (2) if he is coming to seek employment in the United States.

NEED FOR LEGISLATION

The necessity for the passage of the Box bill arises from an unexpected interpretation having been put in the words "temporarily for business" as used in clause (2) of subsection (a). Aliens coming over from Canada refused to recognize the authority of the Department of Labor to prevent them from coming into the United States to carry on their jobs or to seek new jobs. They interpreted the words "temporarily for business" to include a person coming in to seek employment. In a test case in the United States court they were upheld. The case is now in the Supreme Court of the United States for final decision. Without a favorable court decision or without remedial legislation the whole fabric of the immigration law would be torn to pieces.

Under the interpretation of the law as held by the Labor Department, citizens of Canada could come into the United States upon complying with the regulations of the department, and citizens of the United States could pass to and fro from Canada without hindrance upon complying with regulations as to identity, and so forth, but it was contrary to our whole immigration system for aliens to come and go as they wished. Under our theory it was expected that they should come under and within the quota of their country and not free from quota. The proposition involved is easily understood, and the wonder is that it had not presented itself earlier.

The situation may be remedied by the Supreme Court when it comes to decide the question, but the legislative branch of the Government should assume its responsibilities without throwing any of the responsibility upon the court. If the Box bill becomes a law the aliens who present themselves at the Canadian and Mexican borders will be compelled to come in as quota immigrants, with proper papers from American consuls in the countries from which they come.

THE FREE BILL

At the present time provision is made in the immigration law for the admission of certain classes of aliens for temporary purposes. These are outside of the quotas. One of these classes includes skilled laborers. They are admitted only for a limited time and upon a showing that "labor of like kind unemployed can not be found in this country." There was no very urgent reason for the passage of the Free bill, for the law already provides a way by which highly skilled technicians can be brought in.

The bill at first sought to bring these into the country outside the quota. The vigilant restrictionists opposed this and only reluctantly granted support to the measure, after amendments which provide that there should be no increase of immigration outside the quotas. To meet this demand the bill as passed provides that the preferences within the quotas should be rearranged slightly so that these skilled workmen might come in with the same preference as fathers and mothers of citizens and with the same preference given to skilled agriculturists. These skilled technicians will not be allowed to come within this preferred class except after a showing by the company or person wishing their services that persons of like skill and training can not be found unemployed in the United States.

The sole object of the law is to permit this class of persons to come in as immigrants with a right to stay after entry. Without this law they could come but their presence would never ripen into citizenship. Since they come within the quota the only difference their coming will make under this bill, if it becomes a law, is that skilled mechanics and technicians will take the place of the same number of immigrants of the general class who may be in line waiting their turn. It is estimated that the number who will come under the provisions of the law will be very small. If the restrictions are faithfully enforced the number

should be reduced to a mere handful, for our great country has within its borders men skilled in all the crafts and arts and sciences and capable of doing practically any work that can be done anywhere. For ready reference, I am inserting the law with the proposed amendment. Clause (B) is the proposed amendment:

(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) Quota immigrants who are the fathers or the mothers, or the husbands by marriage occurring after May 31, 1928, of citizens of the United States who are 21 years of age or over; (B) quota immigrants who, being trained and skilled in a particular art, craft, technique, business, or science, are needed by bona fide employers to engage in work to perform which persons so trained and skilled can not be found unemployed in the United States, and the wives and the dependent children under the age of 21 years of such immigrants, if accompanying or following to join them; and (C) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives and the dependent children under the age of 21 years of such immigrants skilled in agriculture, if accompanying or following to join them. Preference under clause (B) of this paragraph shall not be given to any alien claiming to be so trained and skilled unless the Secretary of Labor, upon the application of any person interested and after full hearing and investigation of the facts in the case, determines that a bona fide employer needs persons so trained and skilled and that such persons can not be found unemployed in the United States. The determination of the Secretary of Labor shall be transmitted to the consular officer through the Secretary of State. Such determination of the Secretary of Labor shall also be considered for the purposes of the fourth proviso of section 3 of the immigration act of 1917 as his determination of the necessity for importing such skilled labor.

THE JOHNSON DEPORTATION BILL

This bill is a modified form of the Holaday bill passed by the House of the Sixty-ninth Congress. The deportation laws are inadequate, but they are not much more inadequate than the appropriations furnished to the Labor Department to carry on the work of deportation. To deport an alien entails a great expense. Many aliens have been apprehended but were not deported for lack of funds. The department has deported practically no aliens except those that have been thrust upon it out of the penal institutions of the country. Very little work of hunting up aliens is done by the department. Too frequently we have heard the public speaker appeal to the patriotism of his audience in ringing sentences demanding those who do not subscribe to our system of government and who do not respect our institutions should be sent back from whence they came. This sentiment is strong in our country, but the tremendous handicap under which the Labor Department has been attempting to carry on its work because of lack of funds is not well known.

The Department of Labor has been deporting aliens at the rate of about 12,000 per annum. Several thousand others have been permitted to leave the country without having been forcibly deported. This is done to save time and expense. Many thousands have been turned back at the ports of entry. On the Mexican border immigration officials have, on many occasions, taken back to the borders many who had entered illegally and ordered them back into their native country without the formalities of a technical deportation.

There is a marked increase in the use of narcotics and stimulating drinks of various kinds. Aliens who engage in this traffic are deportable under this proposed law.

Aliens convicted in a court of record of carrying dangerous weapons or bombs, and sentenced to imprisonment for six months or more, and aliens convicted for a second offense of the same kind may be deported under the proposed law.

Aliens convicted in a court of record for manufacturing, selling, or transporting intoxicating liquor and sentenced to imprisonment for a year or more, and aliens convicted in a court of record for a second or subsequent offense and sentenced to imprisonment for a combined period of one year or more are deportable under this bill if it becomes a law.

Under the present law it is very doubtful whether a bootlegger alien can be deported for the reason that the courts have held quite uniformly that violation of the liquor laws does not "involve moral turpitude." If the bill under discussion becomes a law, the bootlegger and the gunman may be deported after conviction as above indicated. The gunman and the bootlegger do more to encourage the spirit of lawlessness in our country than any other class of criminals. No gunman or persistent bootlegger should be permitted to foment lawlessness in our country when they do not have or feel the responsibility of citizenship.

The Johnson bill also provides for the deportation of aliens who violate or conspire to violate the Mann white slave law and aliens who aid in procuring the unlawful entry of other aliens. Habitual criminals are also included under the provisions of the proposed law.

Many of the aliens unlawfully in the country came in as sailors and remained in the country in violation of the law. This law provides that an alien seaman once deported can not have landing privileges as allowed by the La Follette Act to the crew of any vessel stopping at our ports.

A very significant provision of this proposed law is that which provides that an alien who has once been arrested and deported can not reenter and that if he reenters or attempts to reenter he will be subject to a heavy fine and a severe penalty of imprisonment.

In order to assist the Labor Department in its enforcement of this proposed law it is provided that upon the final conviction of an alien in a court of record it shall be the duty of the clerk of the court to immediately report said conviction to the Department of Labor.

The most effective weapon against unlawful immigration is efficient deportation. An alien prefers almost any imprisonment to being deported to the land from whence he came. Since our country is committed to a policy of restriction of immigration, we will always have the deportation question with us. A well-considered deportation law, thoroughly enforced, would go a long way toward commanding respect for our immigration laws.

Mr. GRIFFIN. Mr. Speaker, a point of order. My point of order is that the Speaker did not put the question in such a way as to give an opportunity to vote in the negative.

The SPEAKER. The Speaker certainly did. He waited for quite an appreciable length of time.

Mr. GRIFFIN. It was not audible here.

ADMISSION OF ALIENS

Mr. JOHNSON of Washington. Mr. Speaker, I call up H. R. 16926, granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science.

The SPEAKER. The gentleman from Washington calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and under the rule the House resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16926, with Mr. ACKERMAN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16926, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (1) of subdivision (a) of section 6 of the immigration act of 1924, as amended by the joint resolution entitled "Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States," approved May 29, 1928 (45 Stat. L. 1009), is amended to read as follows:

"(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) quota immigrants who are the fathers or the mothers, or the husbands by marriage occurring after May 31, 1928, of citizens of the United States who are 21 years of age or over; (B) quota immigrants who, being trained and skilled in a particular art, craft, technique, business, or science, are needed by bona fide employers to engage in work to perform which persons so trained and skilled can not be found unemployed in the United States, and the wives, and the dependent children under the age of 21 years, of such immigrants, if accompanying or following to join them; and (C) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives, and the dependent children under the age of 21 years, of such immigrants skilled in agriculture, if accompanying or following to join them. Preference under clause (B) of this paragraph shall not be given to any alien claiming to be so trained and skilled unless the Secretary of Labor, upon the application of any person interested and after full hearing and investigation of the facts in the case, determines that a bona fide employer needs persons so trained and skilled and that such persons can not be found unemployed in the United States. The determination of the Secretary of Labor shall be transmitted to the consular officer through the Secretary of State. Such determination of the Secretary of Labor shall also be considered for the purposes of the fourth proviso of sec-

tion 3 of the immigration act of 1917, as his determination of the necessity for importing such skilled labor."

SEC. 2. Section 1 of this act shall take effect July 1, 1929, except that the determinations thereunder by the Secretary of Labor may be made at any time after the enactment of this act.

Mr. JOHNSON of Washington. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. FREE], who will explain the provisions of the bill.

Mr. FREE. Mr. Chairman and gentlemen of the committee, the Burnett Act of 1917, an act which dealt particularly with contract labor, contained this proviso:

Provided further, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case.

Under that provision of the law the Department of Labor adopted elaborate provisions as to the manner of proving that such labor was needed and all the other things incidental to bringing it in. All went well until the passage of the quota immigration law. When the numerical limitation was superimposed upon the Burnett law the exemptions afforded by the latter statute became practically a nullity in respect of aliens born in the quota countries of Europe. Aliens born in nonquota countries of the Western Hemisphere could still avail themselves of the exempting provision, but aliens born in Europe could not do so. To partially take care of the practical difficulty thus presented, the Department of Labor for the past four years or more has been going through the routine of determining the admissibility of certain highly skilled aliens under the above-quoted proviso, and the Department of State, accepting the Labor Department's determinations, has visaed passports for the admission of these people as nonimmigrants entering temporarily for business.

This has been an unsatisfactory arrangement in many respects, for although it has permitted the temporary entry of a limited number of persons much needed in particular industries, it had included no provision for their permanent stay, or for the entry of their dependents, or for their acquisition of American citizenship. In other words, while some industries have been benefited in greater or less degree, the incoming aliens, their dependents, and their employers have been put to great inconvenience; and the administration of the law has been embarrassed by a procedure which, although not unlawful, has been cumbersome and almost impossible of explanation.

This bill would amend the preference provisions of the immigration act of 1924 so as to facilitate the admission as quota immigrants of certain highly skilled workmen needed by American industries for the performance of specialized work, or for the development of improved methods or processes, when labor of like qualifications can not be found unemployed in the United States. The bill does not increase the number of immigrants. It simply provides that these immigrants, together with certain relatives and together with certain persons admitted for agricultural purposes, shall have a preference of 50 per cent of the quota.

This particular bill has been approved by both the Department of State and the Department of Labor. I wish to read a letter in regard to this bill written to me by Secretary of Labor Davis:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 13, 1929.

Hon. ARTHUR M. FREE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: It is a source of much gratification to me to know that your bill granting a preference within the immigration quotas to certain aliens skilled in a particular art, craft, technique, business, or science has been favorably reported from committee and will soon be considered by the House of Representatives.

From discussions with various Members of the House I have no doubt that the bill will be passed practically without opposition, and I am quite sure that the Senate will also take favorable action. It has long been perfectly apparent to the Department of Labor that an amendment of this nature would very greatly increase the practical value of the quota-limit system and this need has become increasingly apparent from year to year as our experience has progressed.

I have repeatedly advocated legislation along this line and have considered many proposed amendments, but I am happy to say that the language you have adopted in your bill is by far the best that has ever come to my attention, for the reason that it provides in unusually clear language the precise authority necessary to carry our ideas into effect. I am thoroughly convinced that the enactment of your bill into law would prove to be the most important step in the development of a sensible system of immigration control since the quota limit law was enacted.

While it is true that we have become the greatest industrial Nation in the world, it is also true that we can still learn many things from other lands, and I am convinced that the further extension of our present industries and the development of new processes, or even entirely new industries, will be very materially enhanced by making possible the coming of the classes enumerated in your bill when they are needed by American employers or interests. I do not believe that it is an exaggeration to say that our future immigration policy and control will be very largely based on the principle contained in the legislation which you have proposed.

Sincerely yours,

JAMES J. DAVIS,
Secretary of Labor.

The Secretary of Labor has called attention to some cases that have come before the department, citing particularly the illustration of a technical worker who was needed in the cotton mills of New England and could not be admitted for some two and a half years on account of the great number applying under the quota, and yet during the time this technical worker was kept out, who by reason of processes which he would have installed would have resuscitated an industry that needed help, perhaps 10,000 textile workers who were not skilled came in.

There are various illustrations of different types of labor. I remember, back at Stanford University, when it was being built, they decided upon a plan that the center building to the rear of the inner quadrangle should be a church, which would be elaborately covered with mosaics and paintings of one kind and another. There was not at that time any individual in the United States who could do that work, and two men had to be brought over from Italy to do it.

At the time we installed the cranes and dredges for the Panama Canal we had to bring over two Germans to do the work.

Under the present law these people have to come in either as temporary visitors, which would not permit them to stay if they did establish an industry, or they have got to wait for their turn under the quota, which in some instances means waiting many years.

Mr. STOBBS. Will the gentleman yield?

Mr. FREE. Yes.

Mr. STOBBS. I am in sympathy with the purposes of the bill, but it seems to me the language in lines 11 and 12, on page 2, "which persons so trained and skilled can not be found unemployed in the United States," goes quite a distance.

Mr. FREE. That has been the language adopted in all bills of this character for many years and there has apparently been no difficulty in showing that to the Secretary of Labor after a proper investigation.

Mr. STOBBS. I can imagine, of course, just as you say, a very highly skilled engineer who is necessary for the purposes of a particular industry in this country and a man that it would be desirable to have come into this country, but you might have engineers unemployed in this country and it is only a question as to the degree of skill. Will the Secretary of Labor construe that in a very broad way?

Mr. FREE. He will construe it in a very limited way, as he has in the past.

May I illustrate how this is done? I have a letter here from a concern that wanted to bring in a man for the potter industry, and in order to establish the fact there were no men who could be so employed in the United States they were compelled to show that they had advertised in all the journals that concerned pottery and that they had advertised in certain other papers throughout the United States where it was possible to get such help.

They have got to make a definite showing that there are no people available for the work in the United States. The character of the work itself for which these people are wanted is such that this is quite apparent. For instance, right now, in my own State, the farmers would like to establish a silk-worm industry. The Japanese have been very proficient in this, but they can not be brought in. Italians could be used for this, but under the quota law they can not be brought in for some time.

Mr. STOBBS. So it is not a question of the degree of skill, it is a question of whether all the men in that particular industry are employed here?

Mr. FREE. Yes.

Mr. STOBBS. So it would not take care of the case of a skilled and efficient engineer from abroad whom certain industries in this country would like to employ here?

Mr. FREE. No. The fundamental proposition is that you have got to show that no labor of like kind is available in the United States.

Mr. JENKINS. Will the gentleman yield there?

Mr. FREE. Yes.

Mr. JENKINS. I might say in further answer to the gentleman from Massachusetts that the language employed here is the same language employed in similar paragraphs of other laws.

Mr. KETCHAM. Will the gentleman yield further at this point?

Mr. FREE. Yes.

Mr. KETCHAM. Is it not true in the case that the gentleman from Massachusetts cites that the party might come here as a visitor and, after having remained here for six months under a proper bond and proper application, he might have that leave extended, and even then it might be extended beyond that time, but his residence could not become permanent?

Mr. FREE. He could not become a permanent resident, and after a certain length of time he would have to leave. Such a man clearly would have to come in under the quota.

Mr. KETCHAM. In the case of a particularly highly trained man?

Mr. FREE. No matter how highly trained he might be. Under this law that is proposed and under the other laws that we have on our statute books it does not make any difference how highly trained the man is, if there are other men available in the United States to do that particular kind of work such a man must come in under the quota.

Mr. STOBBS. Will the gentleman yield again?

Mr. FREE. Yes.

Mr. STOBBS. Does not the gentleman think that the phraseology of the bill is narrow?

Mr. FREE. I get the gentleman's point.

Mr. STOBBS. There are certain men of outstanding ability in a particular line of industry and it is desirable to get these men into this country to help industry here. The particular man in question may be an engineer. There are thousands of engineers in this country, but this may be the one man that this manufacturing concern in this country wants, and he is going to do more for a particular industry in this country than anyone else could do, but he can not come in under this proposed law.

Mr. FREE. Answering the gentleman's question personally and not for the committee, I would prefer, coming under the quota, to have people of the type the gentleman mentions rather than a lot of people who are coming in under quota. If we could have some sort of selective immigration, like this bill contemplates, we would have a better type of immigration than we have had.

Mr. KETCHAM. Do I understand that the exemptions provided for here are within the quota?

Mr. FREE. Yes.

Mr. KETCHAM. And this would not enlarge the total at all?

Mr. FREE. No.

Mr. ARENTZ. Will the gentleman yield?

Mr. FREE. Yes.

Mr. ARENTZ. On page 2, beginning in line 15, it speaks of quota immigrants who are skilled in agriculture. In the sheep industry there is a great demand for sheep herders. These men come from the Pyrenees Mountains between Spain and France. They are absolutely unskilled except in the taking care of sheep. I wonder if in the interpretation of skilled agriculturists such men could be brought into this country. These men know how to herd sheep; they are experts in the care of sheep from youth. I may state these men get from $100 to $150 a month and found. They go out with a bunch of 1,500 to 2,000 head of sheep and camp equipment and a burro, and stay out for three, four, five, or six months by themselves, and occasionally a man will bring them a little grub. These men are skilled in this important line of work, and we need a supply of these men from the Pyrenees in the West from time to time. Would it be possible under this provision to obtain these men?

Mr. SABATH. Why do you need them when the sheep and woolgrowers are going broke and obliged to go out of business, according to reports I have received?

Mr. ARENTZ. As long as the sheepmen are receiving 33, 35, and 40 cents a pound for wool and 9 to 16 cents a pound for mutton and lamb I do not think they are going out of business, but will, if given a chance and time, not only increase their herds, improve their stock, but make mutton a more common item of food in our diet.

Mr. FREE. Mr. Speaker, we are going far afield; I can not yield further.

Mr. JOHNSON of Washington. I will refer the gentleman from Nevada to the State Department's pamphlet in regard to immigration of agriculturist experts, which will answer all of his questions.

Mr. ARENTZ. That is very kind of the gentleman; but I think it would be well if the gentleman from California would answer the question to a limited degree.

Mr. FREE. I will answer the gentleman by saying that I do not know how the department has ruled on sheep herders, but it would seem to me that a sheep herder is much more a skilled agriculturist than some who come in as preferred agriculturists and then go into the fur business in New York. There is an instance where a man came in as a skilled agriculturist under the bill and then went into the fur business. You understand that the language of this bill has been followed in bills before, and agriculturists have come in under the quota.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SABATH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman and members of the committee, I am opposed to this bill. I want to make it clear because up to the present time I do not think the bill has been made clear to you. Before I forget the question that the gentleman from California left off talking about—high skilled labor from Spain—let me call the gentleman's attention that Spain's quota is only approximately 100. Under the act of 1924 half of that is taken away for preferences, and that is what I am going to talk about now. This present bill will add another bundle to the wagon that can hardly move. Now, gentlemen, I want you to bear with me, and in order to appreciate these provisions we must understand this particular angle of our immigration laws.

Prior to 1921 we had no quota laws at all. Any man or woman who was physically fit could enter this country. In 1921 you fixed a quota law on the basis of 3 per cent based on the census of 1910. As a result of that quota law there came to this country about 240,000, approximately. In 1924 you made a drastic change in that law, and you have made it a permanent policy, and you adopted in 1924 the 1890 census as a basis. As the result of that, under the present immigration law, if a country has, say, 300, this total quota of 300 will be used as follows: One-half for preferences and one-half to the so-called new blood. What happens under the present preference? A father and mother of an American citizen could come under it—that is, be taken out of the 150 if the quota is 300. The next one you have entitled to a preference is the husband of an American citizen. That is No. 3 preference. The next one you have is for agriculturists and their wives and minor children, and in 1928, under the resolution that we passed, we raised the age limit from 16 to 18 years for children of agriculturists. We have already four classes in one category.

You now have another attachment that you want to place under this bill, and that is the so-called "highly skilled labor." Who wants them in this country; who asked for them? I do not know. I do not find any special hearings in the committee that somebody wanted this kind of labor. Is it somebody in the department or in the committee who wants to get a few in? Why tack on another preference to a loaded wagon that can not carry the present load?

Some one talks about discrimination. Certainly you have discriminated, and you did in 1924 when you passed the so-called permanent immigration law. You simply thrust out the southern and eastern European countries and gave all of the quotas to Germany and Great Britain, because out of a total number of 161,000 quota numbers for all of the countries Great Britain and Germany received 116,000, leaving the balance, the difference between 161,000 and 116,000, or about 45,000, to the rest of the 49 or 50 nations in the world.

What happened then? You came along and because of a tremendous cry the minority of this committee appealed to this House to exempt the father and mother of an American citizen. We could not see why the father and mother of an American citizen should not be permitted to enter this country without a quota, in exemption of any quota, and instead of that you give us a preference. Let me demonstrate to you by way of illustration only. If your father and mother resided in Great Britain or were born in Great Britain you could bring them in under the preference quota within 30 days, but if your father and mother resided in Syria and you were an American citizen, and you wanted your old father and mother in this country, it would take you at least 22 years to bring them into the United States. Certainly you have discriminated, you have separated families, you have destroyed the home. Now you want to tack another preference onto this same section. You are putting another load on the wagon that can hardly move. You are putting on a

fixed preference. What does this bill say? The consul can turn around and push your father and mother aside and take up the so-called "highly skilled labor." In other words, as the matter stands to-day, it takes on an average of at least four to eight years before you can bring in your father and mother from certain countries, and from some countries it will take about 40 years before you can bring them in under the preference that Congress has given the American citizen for his aged father and mother. You now propose to make it about 100 years before you can get them in.

I am opposed to this bill because, in the first place, the demand is not so strong for it. I can not find any hearings or any individual or any corporation or syndicate or business community that wants this kind of legislation. It was proposed in the committee by my good friend Mr. FREE. Who wants it, I do not know; but I do not care who wants it; if you want these people in here, add a few more numbers to the quota, put them under a separate clause, but for God's sake do not add any more preferences, because you have six or eight now that we can not accommodate, under which we can not bring the families together. They are separated because Congress in the act of 1924 said they should be separated under that law.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. LOZIER. If this bill becomes a law, will it not discourage American technicians from qualifying themselves to fill these places that these foreign born will be admitted to fill? In other words, is there not a discrimination against the American technician or mechanic, and does it not discourage him from qualifying himself for these positions?

Mr. DICKSTEIN. There is no question about that.

Mr. LAGUARDIA. Does the gentleman know the attitude of the American Federation of Labor on this bill?

Mr. DICKSTEIN. No one appeared before the committee of any account to ask for this legislation, because under the present law if I have a highly skilled person that I want to bring into the United States for the purpose of carrying out a certain plan, beginning a certain mill, for example, I apply to the Secretary of Labor and he comes right in, and he can stay here as long as it is necessary. So, why turn around and take him out of that clause and attach him to another clause as appears on page 2 of this bill?

May I call your particular attention to the language used in paragraph 1, on page 2 of the proposed bill, H. R. 16926, which reads as follows:

(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes.

It can be seen, therefore, from a reading of this bill that there is no priority between any of the preferences that now exist under the present law, which will continue by this bill with an additional clause.

From a reading of the language of the bill on the same page you will find that the Secretary of Labor, upon the application of any person interested, and after full hearing and investigation of the facts in the case, has the power to determine what is necessary and so advise the Secretary of State, who in turn will communicate with the respective consuls.

What will be the result, other than brushing aside the husband of an American citizen, the father and mother of an American citizen, as well as uniting the families, under the resolution passed in 1928, and the other preferences on the statute books, which are greatly overburdened.

In other words, the consul can accept the recommendation when he receives it from the Secretary of State for special kind of labor, which we can very easily obtain right here in the United States, and discriminate against all other classes who have been waiting for years to be certified for preference, which classes at the present time are more than full.

Now, I will ask gentlemen to be patient and let us see what this bill says. The bill talks about referring to sections of the immigration law of 1924 and then talks about the resolution we passed May 29, 1928. Now, then, we come along to page 2, and we see what? That the following preferences shall be made to the following persons: (a) Quota immigrants——

Mr. FREE. If the gentleman will permit, only 50 per cent of the quota is taken up by preferences.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. I yield the gentleman another five minutes.

Mr. DICKSTEIN. Will the gentleman make his question clear?

Mr. FREE. Is it not a fact that these preferences only apply to 50 per cent of the quota?

Mr. DICKSTEIN. Certainly; and that is the more reason why you should not attach any preferences to a bill which is so overloaded with preferences. Think of the fathers and mothers who have not seen their sons, most of whom fought in the World War! Take your bill as an illustration. Say, a country that has 100 numbers, 50 per cent of it is taken up with preferences. Assuming 51 men had mothers or fathers over there. In this bill, which you want Congress to pass, first you say that preference shall be given to fathers and mothers. The next one is husbands of an American citizen. That is, an American woman who marries a foreign husband. We appealed to Congress a year ago to place these husbands in the exempted class and we did not do it. Now, we turn to No. 3. Then you bring in the preference of the quota immigrant who is trained and skilled in a particular art, class, technique, business, or science. Good God, gentlemen, those four different classes every year of skilled persons might apply under this preference. And then, in addition to that, you are bringing in also the wives and minor children of the person who is coming in here as being skilled in a particular art, class, technique, business, or science. In other words, you give a preference in here to any man who brings a wife and probably three or four children, and that is to be taken out of the 50 per cent. The next one is the farmer—the agriculturist.

Under the present bill he has a preference. Now, you want to stick in No. 6 and say highly skilled artists. How many people could come in and claim to be artists for the purpose of getting the benefit under this bill? How many, many tears will be shed by fathers and mothers because there is another preference in the law and they are being put aside? Do not forget that we have already placed in the preferred class of 50 per cent the wives and minor unmarried children under 21 of aliens permanently admitted to the United States under our resolution of May 29, 1928.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield there?

Mr. DICKSTEIN. Yes.

Mr. GRIFFIN. Is there any limitation in the law as it stands or in this measure upon the power of the Department of Labor to allocate the various classes among those that are in the preferential category?

Mr. DICKSTEIN. You mean can the Secretary of Labor check up on this preferential list?

Mr. GRIFFIN. Yes. Is there anything in the law under which he can do that?

Mr. DICKSTEIN. They might indicate a preference for this so-called kind of skilled labor.

Mr. GRIFFIN. The gentleman has not answered my question. Is there anything in the law either as it stands or as is proposed that limits the Department of Labor or prevents it from letting in all or any one of the preference classes to the exclusion of the parents and the exclusion of the children?

Mr. DICKSTEIN. They can pick out under the so-called reason or excuse to the detriment of the mother and the father.

Mr. GRIFFIN. In other words, they could take out all those engaged in agricultural pursuits?

Mr. DICKSTEIN. Yes.

Mr. FREE. Now all mothers and fathers who have made applications are considered for priority in the order of treatment.

Mr. DICKSTEIN. That is not so.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for five minutes more.

Mr. DICKSTEIN. I can give the committee a specific case. It is the case of a young man who was born in Syria. His father was killed there. He has not seen his mother for 15 years. They are only behind 40 years in the list of applications already filed. Now, what has happened?

Mr. FREE. These people, I believe, would be farther down the list than that. They would not displace mothers and fathers.

Mr. DICKSTEIN. There is no difference between preference No. 1 and preference No. 2. The law permits the consul to issue visas "without priority of preference," as the law says.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. JOHNSON of Washington. The figures I have here as to the quota of Syria is 100,000.

Mr. LAGUARDIA. It would take 80 years.

Mr. JOHNSON of Washington. The number estimated in the demand is 47,000.

Mr. SABATH. Mr. Chairman, will the gentleman yield? I wish to correct the gentleman from Washington.

Mr. DICKSTEIN. I yield.

Mr. SABATH. I do not like to do it when the gentleman is wrong. The number of Syrians is 47,000. The applications pending are only 4,000. The gentleman has multiplied it by 10.

Mr. JOHNSON of Washington. The gentleman is right about the 47,000, but the estimate is right also. Those are the pending applications.

Mr. SABATH. Those are the pending applications now.

Mr. JOHNSON of Washington. The gentleman has not answered me the question I propounded.

Mr. SABATH. That is the estimated demand.

Mr. DICKSTEIN. If it is so important that somebody in the United States wants this particular kind of labor that we can not get in the United States; if it is so important and vital to pass special acts, why not turn around and select the number to be used for that purpose? We know the quota is overburdened now. Why turn around and put something else in it?

Mr. LAGUARDIA. What information or data was before the committee showing that a particular class was called valuable?

Mr. DICKSTEIN. If you have somebody on the other side of the House who will say, "You are all right," you do not have to have a hearing.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. LAGUARDIA. Not long ago a number of people said to be expert in making glass eyes were brought in from Belgium. After they were here and had the jobs the attention of the department was called to them.

Mr. DICKSTEIN. There is not a European who can come in and say he knows more than our Americans. The trouble is we find some excuse to bring in somebody somewhere under some pretense.

Mr. LAGUARDIA. That is to get cheaper labor.

Mr. DICKSTEIN. That is one of the excuses.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. GREEN. Is it not the purpose to make these alien people who come here the best Americans?

Mr. DICKSTEIN. My purpose would be to select our best people and unite the families; and until we do so we can not class ourselves in that category.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. FREE].

Mr. FREE. The question has been brought up as to the demand for this legislation. I read from the letter of the Secretary of Labor dated February 1, 1929, in which he says:

> The proposal above outlined is particularly interesting to this department for the reason that during the past four years a good many cases have arisen in which it clearly appeared that the immigration of a limited number of highly skilled laborers, inventors, engineers, chemists, and other persons possessing peculiar qualifications along some specialized line were actually needed in American industry, but they could not be brought in without considerable delay because they were subject to the quota of the country of their birth.

Mr. STOBBS. Mr. Chairman, will the gentleman yield there?

Mr. FREE. In a moment. But before doing that I want to make this further statement, that under the practice all of these applications are listed in the order in which they are made, and if this bill is passed it will not shut out any mother or any father or relative provided they have in the last two years done what they should have done, namely, notified the Secretary of State through our consuls that they wanted to come here. The State Department has taken up their applications in their order. All these applications are taken up in the order in which they are made.

Now I yield to the gentleman from Massachusetts.

Mr. STOBBS. I am in favor of this legislation, but the trouble is it does not allow skilled chemists or skilled engineers to come in, because before they can be allowed to come in under this law the Secretary of Labor must find as a fact that there are no skilled chemists or skilled engineers unemployed in this country. That is a perfectly ridiculous proposition, so as a result this legislation does not help in one single instance in allowing skilled chemists or skilled engineers to come in, of the type we want to get into this country. All this legislation accomplishes is simply this: That if you have a new industry in this country and no people in this country skilled enough to perform the work of that new industry, then you can go ahead and get in new people to do that work.

Mr. FREE. That is not correct, and let me illustrate it to you.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. FREE. Several papers, like the New York Times, the San Francisco Chronicle, and several others, have been putting out these rotogravure sections you have seen. They have some labor here to do that, but they have not enough labor to do it, and they want to bring in other people. They can make the showing that the industry is here, and they can make the showing that they can not get enough of these experts to carry on the industry. Let me give you another illustration. I have here a letter from an industry located at Lime Rock, Conn., which is engaged in making highly specialized paper that is used by the Library of Congress, by the Carnegie Institute, and by the Smithsonian Institution. They are making that paper in limited quantities, but they can not get experts enough here to furnish all the paper that those institutions must have. So I say to the gentleman that it does help some.

Mr. STOBBS. But it does not take care of the skilled engineers and chemists the gentleman referred to in the letter he just read.

Mr. FREE. It takes care of part of them, but not all.

Mr. STOBBS. And we want to get skilled men in this country.

Mr. FREE. I think there is much in what the gentleman says, and it would be well if we could have more of that type come into the country instead of some we are now getting. But this bill goes part of the way, and it will enable us to get the people who are actually needed when it can be shown that such people can not be secured in this country.

Mr. SABATH. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and colleagues, I do not see any objection to this proposal to admit skilled professional craftsmen into the country, in fact, I think it is very desirable. There are, doubtless, occasions where the necessities of business might require the importation of particularly skilled labor in certain lines, but if it is a good thing why not be frank about it? Why not put them in the nonquota class? They can not amount to any such number as to imperil our institutions. Skilled men brought in to establish a new industry certainly can not do very much harm or crowd conditions in the labor market. There should be no objection to having skilled men come in to establish an industry, because when once established it will lead to the education and employment of other Americans. So I ask whether the committee has given any consideration to that point; that is, whether or not it might not be well to admit persons in this particular class as nonquota? I am addressing my question particularly to the gentleman from California, who introduced this bill. I am sorry to have to repeat, but I have made this inquiry, whether or not your committee has given any consideration to the wisdom of admitting persons in this very limited class nonquota, and not block up and choke the preference class.

Mr. FREE. When I first introduced the bill I introduced it so that they could come in outside the quota.

Mr. GRIFFIN. And that still is the right way to do it.

Mr. FREE. But the committee thought it ought to be under the quota and the bill was reintroduced bringing them under the quota.

Mr. GRIFFIN. It seems to me the number would not mean more than 50 or 100 men, and the admission of these skilled men in the nonquota class would not, as my colleague from New York has stated, choke up the preferred class. I know that the gentleman from California, in response to a question, has said that it is not going to interfere with the parents, wives, husbands, or children of immigrants who have filed their applications, but there are thousands perhaps who have not filed applications. It will bar them. They are equally entitled to our solicitude.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield the gentleman two additional minutes, and I desire to ask him a question.

Does the gentleman understand the possibility of choking up the preference list in the countries of small quotas like Greece, Hungary, Rumania, Yugoslavia, and some others of them? Further, countries like Italy, having observed the situation that now exists, are declining to give their passports to those other than the main preferences, namely, fathers, mothers, wives, and children. I think the time will soon come when other countries will follow the example of Italy, and the first

step in emigrating being the passport, will give passports to those that can make the classifications. I think that is the answer.

Mr. GRIFFIN. Does the gentleman consider that as disposing of my suggestion that people in this professional class of highly skilled labor should be admitted nonquota?

Mr. JOHNSON of Washington. I think the gentleman will find that the applicants that make this affirmative showing, which is afterwards looked into by the consul abroad, will come from the countries of the larger quotas only. There is no other way to fix it at this time.

Mr. LAGUARDIA. Will the gentleman from New York yield so that I may ask the chairman of the committee a question?

Mr. GRIFFIN. Yes.

Mr. LAGUARDIA. The chairman of the committee states that some countries will not recognize this preference. If that is so and if any country refuses to give passports to parents or relatives to whom we have given a preference, I think retaliatory measures should be taken.

Mr. JOHNSON of Washington. That is a matter for the Committee on Foreign Affairs.

The CHAIRMAN. The time of the gentleman from New York [Mr. GRIFFIN] has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield the gentleman three additional minutes and will use one minute myself.

The State Department says with respect to a certain country:

> As to Italy, it may be mentioned that the Italian Government is following a strict policy of limiting emigration, and it is quite possible that difficulties would be encountered in bringing in Italians, even though it were possible to do so under American laws.

Mr. LAGUARDIA. Are they giving passports to mothers and fathers?

Mr. JOHNSON of Washington. Yes; and wives of aliens who are here.

Mr. GRIFFIN. In conclusion and summarizing, I want to repeat that the proposal is a good one, but it is a mistake for us to put professional, skilled labor into the already overcrowded preferred class. They ought to be put into the nonquota class and ought to be admitted freely, first, for the reason that they can not amount to a very great number, and for the further reason, if they are brought over here to establish a new industry, they come over as teachers, and this means laying the foundation stone for the education of our own laboring men and increasing the diversity of our industries.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. GRIFFIN. I yield.

Mr. DICKSTEIN. And this should not only apply to one class but should be given to all classes that need this kind of labor as an exception to the quota and should not be made discriminatory.

Mr. GRIFFIN. That is what I have said.

Mr. DICKSTEIN. And should be safeguarded by the Department of Labor.

Mr. GRIFFIN. Yes; the gentleman from California [Mr. FREE] says the admission of this particular class into the preferred category will not block the opportunity of parents, husbands, wives, and children from coming in who have filed their applications, but it will block those who have not filed their applications. The gentleman concedes that. But why should that be done? Why should there be any discrimination whatever?

I think the gentlemen have made a mistake in crowding the skilled craftsmen into the preference class, which of right should be reserved entirely for the families of citizens. I will vote for it, talk for it willingly, if the gentlemen will consent to an amendment to put them in the nonquota class. [Applause.]

Mr. SABATH. Mr. Chairman, I yield myself seven minutes.

Mr. Chairman and gentlemen, I fully agree with what has been said by the gentleman from New York [Mr. DICKSTEIN], a member of the committee, and the gentleman from New York [Mr. GRIFFIN]. I fully recognize the point made by the last speaker, and I have long had that in mind.

I am desirous to be of service to our industries. I am desirous that any new industry in need of experts or highly specialized men that may not be available here should be placed in a position to bring them here. We can not do too much to develop our many industries, and it does frequently happen that we can not secure such labor here.

But as the gentleman from California stated—and I agree with him—we should not make it any harder than it is at the present time, and, therefore, I have favored the bill which he introduced permitting these people to be brought in here but placing them within the quota.

The number is not large, and I feel that this should be done in the interest of America and American industry, and we should permit these people to come in here outside of the quota.

I have the utmost confidence in the Secretary of Labor and in the Commissioner of Immigration that they will not permit anyone to come unless it is proven beyond any doubt that such skilled labor can not be obtained in the United States; and in view of that fact, if we are honest and sincere and wish to be helpful and do not wish to be altogether inhuman, we should adopt as a substitute the bill which the gentleman from California has introduced and favored; and I want to say right here that he is about as good a restrictionist as we have in the House. The gentleman has always believed in extreme restriction, but he recognizes the need of this legislation, and I am willing and I will favor the substitution of the bill which he originally introduced placing all these people outside of the quota for the bill now under consideration.

Mr. LAGUARDIA. What do you mean by the designation "quota immigrants who, being trained and skilled in a particular art, craft, technique, business, or science," and so forth?

Mr. SABATH. There are large manufacturers who are establishing their bureaus here, as is stated, who absolutely require men who are familiar with their products to come here and represent them, and to properly introduce the article which they produce and manufacture.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. DICKSTEIN. May I call the gentleman's attention to page 2 of this bill, where it says—

> 50 per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants without priority of preference as between such classes.

Is that correct?

Mr. SABATH. I know what the gentleman fears, and I believe there is foundation for the suspicion that the influential manufacturers, the influential men of industry, can secure the approval of the authorities much easier than the poor, unfortunate fellow who served the Nation during the war and can not prevail, perhaps, when he makes application for his father or mother to be placed in the preferential class. I really think there is a foundation for the suspicion, and that such a case may occur.

Mr. BURTNESS. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. BURTNESS. I would like to come back to the question asked by the gentleman from New York [Mr. LAGUARDIA] about the word "business," and the construction of this clause.

Does this mean that the person admitted must be skilled in the business for the purpose of establishing a business in this country, or does it mean that the person may be admitted to be employed in a business, if they can come here as skilled persons?

Mr. SABATH. I think the chairman is in a better position to answer the gentleman's question that is propounded.

Mr. BURTNESS. The word "business" seems to be entirely inconsistent here.

Mr. SABATH. I have explained it to the best of my ability, and I feel that the chairman is in a better position to answer the gentleman than I am.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. FREE].

Mr. FREE Mr. Chairman, I have a statement here from the State Department which I want to read:

> Attention is called to the fact that a very small part of the preference half of the quotas for the above countries has ever been utilized in the past. During the last quota year only 1,326 quota numbers were used for preference relatives and 15,154 for skilled agriculturists in all of the countries of northern and western Europe. This makes a total of but 16,480 out of 70,449 quota numbers available for first-preference aliens in these countries.

In other words, in the large countries the mothers and fathers and other relatives are not using up the preferences allowed them at the present time. While the gentleman from New York has picked out Syria, which has a small quota, where many people wanted to come in, yet as a matter of fact, take it all in all, the preference clauses which include the wives, mothers, and fathers have not been utilized to the extent of the law.

Mr. DICKSTEIN. The only persons as mothers and fathers who come in without any difficulty are those from Germany and Great Britain. The rest of the world, having small quotas, are practically barred out. Let me ask the gentleman a question. On page 2 of the bill you allow fathers and mothers to come in under the preference visa. Suppose a skilled mechanician, or craftsman, as you call him, comes to the consul at the same time that a mother comes. Who is the consul going to give the preference to—the mother or the mechanician or craftsman?

Mr. FREE. That would be impossible.

Mr. DICKSTEIN. You say there should be no distinction between classes. Could you not give the preference to the skilled technician as against the father or the mother?

Mr. GREEN. Which would be worth the most to our Government as a citizen—the skilled man or the father or mother?

Mr. JOHNSON of Washington. Mr. Chairman, with reference to the introduction of the word "business" in line 10, page 2, it was thought advisable by the State Department, in order to take care of certain possibilities that might arise under treaties under the right of a person to travel without let or hindrance in the country of the other party to the treaty, that word should go in.

Mr. BURTNESS. The question is what the word "business" means in that connection.

Mr. JOHNSON of Washington. I have explained it that far. The State Department's objection to the bill was that it did not provide for business experts. One man can make his definition of that just as well as another.

Mr. BURTNESS. Is there any country in the world that has as many business experts as the United States has?

Mr. JOHNSON of Washington. Probably not. We probably have so many that we will not receive many from other countries.

Mr. BURTNESS. Therefore the use of the word in this bill would be inapplicable to the practical situation.

Mr. JOHNSON of Washington. I doubt if it will be needed at all, except that it seems necessary to offer treaty protection. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That paragraph (1) of subdivision (a) of section 6 of the immigration act of 1924, as amended by the joint resolution entitled "Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States," approved May 29, 1928 (45 Stat. L. 1009), is amended to read as follows:

"(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) Quota immigrants who are the fathers or the mothers, or the husbands by marriage occurring after May 31, 1928, of citizens of the United States who are 21 years of age or over; (B) quota immigrants who, being trained and skilled in a particular art, craft, technique, business, or science, are needed by bona fide employers to engage in work to perform which persons so trained and skilled can not be found unemployed in the United States, and the wives, and the dependent children under the age of 21 years, of such immigrants, if accompanying or following to join them; and (C) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives, and the dependent children under the age of 21 years, of such immigrants skilled in agriculture, if accompanying or following to join them. Preference under clause (B) of this paragraph shall not be given to any alien claiming to be so trained and skilled unless the Secretary of Labor, upon the application of any person interested and after full hearing and investigation of the facts in the case, determines that a bona fide employer needs persons so trained and skilled and that such persons can not be found unemployed in the United States. The determination of the Secretary of Labor shall be transmitted to the consular officer through the Secretary of State. Such determination of the Secretary of Labor shall also be considered for the purposes of the fourth proviso of section 3 of the immigration act of 1917, as his determination of the necessity for importing such skilled labor."

Mr. SABATH. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That section 4 of the immigration act of 1924, as amended, is amended by striking out the word "or" at the end of subdivision (e) and by striking out the period at the end of subdivision (f) and inserting in lieu thereof a semicolon and the word "or" and by adding after subdivision (f) a new subdivision to read as follows:

"(g) If or when a person of like qualifications unemployed can not be found in the United States, an immigrant who, being trained and skilled in a particular art, craft, technique, or science seeks to enter the United States solely to engage in the invention, development, perfection, or operation of such an art, craft, technique, or science, or of a mechanical, electrical, or chemical process, as an employee of an American person or corporation."

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that the amendment is not germane. This bill proposes to grant preferences within quotas, while the proposed amendment grants preferences beyond the quotas.

Mr. SABATH. Mr. Chairman, I am offering it as a substitute.

Mr. LAGUARDIA. Mr. Chairman, the bill before the House is a bill amending paragraph 1 of section 6 of the immigration act of 1924. The substitute offered by the gentleman amends the very same provision of the act, and offering it as a substitute clearly brings it within the ruling on the Aswell amendment to the McNary-Haugen bill.

Mr. GREEN. But the gentleman seeks to amend it in an entirely different way.

Mr. SABATH. Mr. Chairman, my substitute provides for the same thing that the bill does, with this one exception. My amendment provides that these men should be permitted to come outside of the quota, and the pending bill provides that they shall come within the quota. That is the only difference between my substitute and the pending bill. For that reason I feel that it is in order.

Mr. GREEN. Mr. Chairman, for that reason our contention is that the substitute is not in order, because it brings in an entirely different proposition. The bill before the committee has for its main purpose preventing the bringing in outside of the quota additional aliens.

Mr. JOHNSON of Washington. The substitute is an amendment to section 4, and the bill amends section 6 of the immigration act of 1924.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order made by the gentleman from Washington.

Mr. SABATH. Mr. Chairman, will it be in order then to offer that as an amendment to the bill if it is not in order to offer it as a substitute?

The CHAIRMAN. The Chair thinks not.

Mr. SABATH. What will be in order and what is permissible under the ruling?

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that that is not a parliamentary inquiry.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 15, after the semicolon, strike out all the remainder of line 15, and all of lines 16, 17, 18, 19, and 20, on page 2.

Mr. LAGUARDIA. Mr. Chairman, my amendment strikes out the provision for immigrants skilled in agriculture. I do not believe there is any more need for skilled agriculturalists in this country. I think we have too many of them now. I am sure that the chairman of the committee will state that this provision of the law has not been used to any great extent since 1924, when we enacted it. What few individual cases have come in under this provision I say now came in under a subterfuge. There is no doubt about that. I have seen applications and attempts made to bring in skilled agriculturalists to the cities. If we strike this out, I think we will eliminate one source of abuse in encumbering the now limited number of immigrants preferred under the law, thereby facilitating and expediting the entry of parents of American citizens. Unless the committee has information that this provision of law has been used and properly used and is needed, I do not see why we should not strike it out at this time. It will lighten the work of applications made to consuls under this provision of law by people who are not entitled to come in and who can not qualify, and I think we will compensate what you are now inserting under provision (b), the amendment offered by the gentleman from California [Mr. FREE]. I have not heard of a single individual case, a meritorious case, that has qualified under the so-called skilled agriculturalists provision of law.

And that being so, it should not be here, because it permits them to go into the preferential class and take the place of a bona fide preferential immigrant.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment. The proposal, about as offered by

the gentleman from New York, has been given careful attention in the committee, but owing to the fact of the short time between now and the adjournment of the Congress, it was thought best not further to confuse the matter by striking the farmer preference out of the first one-half quotas.

Mr. LAGUARDIA. Has it served a useful purpose up to date?

Mr. JOHNSON of Washington. Well, the farmer preference available in the first four months of the fiscal year show the countries of northern and western Europe 5,000 and the other 1,042.

Mr. IRWIN. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. IRWIN. Is there any law at the present time in reference to expert agriculturists coming over to this country and going to work on a farm and in two or three months they become disgusted—as I say, is there any law prohibiting their going to the towns and taking work in the towns instead of agricultural work?

Mr. JOHNSON of Washington. Well, that is very slight.

Mr. IRWIN. There is no prohibition?

Mr. JOHNSON of Washington. No.

Mr. IRWIN. So if one is an expert agriculturist, he gets tired of the farm in two or three weeks, he could go to the town and obtain employment?

Mr. JOHNSON of Washington. There is no way in the United States to compel him to stay on the farm and work if he can find a job elsewhere and wants to go into a foundry or factory.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. DICKSTEIN) there were—ayes 15, noes 70.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. Section 1 of this act shall take effect July 1, 1929, except that the determinations thereunder by the Secretary of Labor may be made at any time after the enactment of this act.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman and colleagues, I dislike to take up so much of your time on this comparatively unimportant amendment to the immigration law, and I would not except that it has a sentimental and a moral side to it. Let me call your attention specifically to the language in lines 4 and 5 of the bill on page 2, which reads:

Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes.

In other words it not only puts the skilled technicians and specialists in business in the preferential class along with the parents, wives, and children of American citizens but forbids priority being extended to the members of a citizen's family. I do not think that is fair or just, and I do not think this Congress, if it gives a moment of reflection and deliberation to it, will consent to it. This amendment seems to me to be dictated perhaps by some special interests in the country which want to get some particular kind of technicians to build up their business, and may not, perhaps, involve the immigration of more than a dozen or more of such workmen. But as little distance as it goes it inevitably involves the exclusion of parents, husbands, wives, and children of American citizens who are here. Going that far is going too far. It is radically wrong.

In my experience since the World War closed I have had scores of boys who fought in the war, who carried our flag on the other side and fought in the trenches, who were not able to get their parents here for years. I told this House two years ago of an instance where one of our alien soldier boys, after four years of struggle, finally got permission to bring his mother here, but the permission came so late that it was her dead body that was finally delivered to him at Ellis Island.

Such discriminations are barbarous and unjust. If they have fought our battles and if they are good enough to be American citizens, they ought to be good enough to have their fathers and mothers enter our land in the nonquota class. At least we should not put up this additional barrier to further minimize their chances of entering our frontiers. The Department of Labor has no restrictions whatever upon its discretion. The Secretary of Labor may take and allocate the whole of a country's preference quota to the agricultural employments or to the skilled craftsmen who are provided for in this bill.

The gentleman from California [Mr. FREE] had the right idea when he originally framed his bill in putting the skilled craftsman in the nonpreference or nonquota class. The substance of it was offered by my friend and colleague from Illinois [Mr. SABATH] as an amendment to this bill, but was held out of order. The gentleman from California has the right idea, and he ought to have the courage to stand and fight for it and not consent to an emasculation of his well thought out bill.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. LOZIER. Does not this bill from start to finish camouflage and conceal the purpose of the bill, which will permit technicians in one or two industries to enjoy its benefits?

Mr. GRIFFIN. All that I know is that there are certain people who want to get a few men in here under color of this amendment, and that is enough to damn it.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment: Page 3, line 10, strike out the comma and insert a period and strike out the balance of the section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, line 10, after the figures "1929," insert a period and strike out the balance of the section.

Mr. LAGUARDIA. Now, Mr. Chairman and members of the committee, the cat will be out of the bag in a very few minutes. If it is the intention to have the new preferred class to take their places after the applications of parents of citizens now pending, then there is no necessity for the provision that the Secretary of Labor may pass upon these applications and have them all ready before July 1, 1929. This indicates, as my colleague from New York [Mr. GRIFFIN] and the gentleman from Missouri [Mr. LOZIER] just pointed out, that something has been prepared and set to bring in individuals, not because they can not find the same class of skilled labor in the United States but because they want cheaper labor, and they want to bring them in here at once.

The bill puts in the amendment of the law a provision, so as not to lose any time, to the effect that immediately and before July 1, 1929, the Secretary of Labor may determine whether they need these skilled laborers or not; and if so, give them the necessary permit to come in.

Mr. JOHNSON of Washington. Does not the gentleman agree to that?

Mr. LAGUARDIA. No.

Mr. JOHNSON of Washington. The quotas are prepared four months before that.

Mr. LAGUARDIA. If the gentleman will put into effect the provisions of this bill on July 1, 1929, and stop right there, it will give at least four months' start to the fathers and mothers who are now waiting and who want to apply for preferential visas. I want to state to the gentleman from Washington, who prides himself on his regularity, that the President of the United States in four or five successive messages to Congress recommended that we humanize the law so as to permit families to be united as soon as possible, and that President-elect Hoover, in his speech of acceptance, went on record as being in favor of amending the immigration law so as to humanize it and permit fathers and mothers of citizens to come in. Now we find that you not only inject a new class to cut down the number of fathers and mothers, but you come in and destroy the advantage they should have by permitting the Secretary of Labor to determine ahead of the time the law goes into effect. Then you come in and pretend that you restrict immigration, while you really open the doors to a cheaper kind of foreign labor.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. DICKSTEIN. Is it not expected that the class will be closed up by the preferences already listed?

Mr. LAGUARDIA. It is closely figured that by the time the papers will arrive on the other side this new amendment will become operative to take the place of mothers and fathers.

Mr. DICKSTEIN. The mothers and fathers who wanted the preference would go to the American consul, while these other people will not have to go there.

Mr. LAGUARDIA. They can even bring in a stenographer under this bill and anyone in business.

Mr. GREEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GREEN. The gentleman is not in favor of repealing the quota law, is he?

Mr. LAGUARDIA. I am in favor of repealing the discriminatory features of the quota law.

Mr. GREEN. Does not the gentleman know that if we do not include this class within the quota that they will continue to pound at the doors and try to get in without the quota?

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

The CHAIRMAN. Under the rule the committee automatically rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ACKERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16926) granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science, had directed him to report the same back to the House with the recommendation that the bill do pass.

The SPEAKER. Under the rule the previous question is ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. DICKSTEIN. Mr. Speaker, I move that the bill be recommitted to the Committee on Immigration.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DICKSTEIN. Yes.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. DICKSTEIN moves to recommit this bill to the Committee on Immigration.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit the bill.

The question was taken; and on a division (demanded by Mr. DICKSTEIN) there were—ayes 20, noes 96.

Mr. GRIFFIN. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 42, nays 280, not voting, 106, as follows:

[Roll No. 25]

YEAS—42

Allgood	Cooper, Wis.	Huddleston	Quayle
Auf der Heide	Corning	Kading	Ransley
Ayres	Crosser	Kemp	Sabath
Berger	Cullen	LaGuardia	Schafer
Black, N. Y.	Dickstein	Lampert	Somers, N. Y.
Bloom	Douglass, Mass.	Lindsay	Steagall
Browne	Fitzpatrick	Lozier	Tinkham
Busby	Glynn	O'Connell	Watres
Carss	Golder	O'Connor, La.	Weller
Combs	Griffin	Palmisano	
Connery	Hill, Ala.	Peavey	

NAYS—280

Abernethy	Cohen	Gardner, Ind.	Kearns
Ackerman	Cole, Iowa	Garrett, Tenn.	Kendall
Adkins	Collier	Gasque	Kerr
Allen	Colton	Gibson	Ketcham
Almon	Connally, Tex.	Gifford	Kiess
Andresen	Cooper, Ohio	Gilbert	Kincheloe
Arentz	Cox	Goldsborough	Knutson
Arnold	Crail	Goodwin	Kopp
Aswell	Cramton	Green	Korell
Bachmann	Crisp	Greenwood	Kurtz
Bacon	Culkin	Guyer	Langley
Bankhead	Dallinger	Hadley	Lanham
Beers	Darrow	Hale	Lankford
Begg	Davis	Hall, Ill.	Larsen
Bell	Deal	Hall, Ind.	Lea
Black, Tex.	Dempsey	Hall, N. Dak.	Leatherwood
Bland	Denison	Hancock	Leavitt
Blanton	DeRouen	Hardy	Leech
Bohn	Dickinson, Iowa	Hare	Lehlbach
Bowman	Dickinson, Mo.	Hastings	Letts
Box	Dominick	Haugen	Linthicum
Brand, Ga.	Doughton	Hickey	Lowrey
Brand, Ohio	Dowell	Hill, Wash.	Luce
Briggs	Drane	Hoch	McCormack
Brigham	Drewry	Hoffman	McDuffie
Britten	Driver	Hogg	McKeown
Browning	Dyer	Holaday	McLeod
Buchanan	Eaton	Hooper	McSwain
Buckbee	Edwards	Hope	McSweeney
Bulwinkle	Elliott	Houston, Del.	Magrady
Burdick	Eslick	Howard, Nebr.	Major, Ill.
Burtness	Evans, Calif.	Howard, Okla.	Major, Mo.
Byrns	Evans, Mont.	Hudson	Manlove
Canfield	Fish	Hudspeth	Mansfield
Cannon	Fisher	Hughes	Mapes
Carter	Fitzgerald, Roy G.	Irwin	Martin, La.
Cartwright	Fitzgerald, W. T.	Jeffers	Martin, Mass.
Chalmers	Fletcher	Jenkins	Menges
Chapman	Fort	Johnson, Ill.	Michaelson
Chase	Foss	Johnson, Ind.	Michener
Chindblom	Free	Johnson, Okla.	Miller
Christopherson	Freeman	Johnson, S. Dak.	Monast
Clancy	French	Johnson, Tex.	Montague
Clarke	Fulmer	Johnson, Wash.	Moore, Ky.
Cochran, Mo.	Gambrill	Jones	Moore, Ohio
Cochran, Pa.	Garber	Kahn	Moore, Va.
Morehead	Reece	Summers, Wash.	Welch, Calif.
Morgan	Robinson, Iowa	Sumners, Tex.	Welsh, Pa.
Morin	Robsion, Ky.	Swank	White, Colo.
Morrow	Rogers	Swing	Whitehead
Nelson, Me.	Romjue	Tarver	Whittington
Nelson, Mo.	Rowbottom	Tatgenhorst	Wigglesworth
Nelson, Wis.	Rutherford	Taylor, Tenn.	Williams, Ill.
Newton	Sanders, N. Y.	Thatcher	Williams, Mo.
Niedringhaus	Sanders, Tex.	Thompson	Williams, Tex.
Norton, Nebr.	Sandlin	Thurston	Williamson
O'Brien	Sears, Fla.	Tilson	Wilson, La.
Oldfield	Seger	Tucker	Wilson, Miss.
Oliver, Ala.	Selvig	Underhill	Wingo
Parks	Shreve	Updike	Wolfenden
Patterson	Simmons	Vestal	Wolverton
Peery	Smith	Vincent, Iowa	Wood
Perkins	Snell	Vincent, Mich.	Woodruff
Porter	Speaks	Vinson, Ga.	Woodrum
Pratt	Sproul, Kans.	Vinson, Ky.	Wright
Purnell	Stalker	Wainwright	Wurzbach
Quin	Steele	Ware	Wyant
Ragon	Stobbs	Warren	Yates
Rankin	Strong, Kans.	Wason	Yon
Rayburn	Strong, Pa.	Weaver	Zihlman

NOT VOTING—106

Aldrich	Doutrich	King	Reed, N. Y.
Andrew	Doyle	Kunz	Reid, Ill.
Anthony	England	Kvale	Schneider
Bacharach	Englebright	Lyon	Sears, Nebr.
Barbour	Estep	McClintic	Shallenberger
Beck, Pa.	Fenn	McFadden	Sinclair
Beck, Wis.	Frear	McLaughlin	Sirovich
Beedy	Fullbright	McMillan	Spearing
Boies	Furlow	McReynolds	Sproul, Ill.
Bowles	Garner, Tex.	Maas	Stedman
Boylan	Garrett, Tex.	Mead	Stevenson
Bushong	Graham	Merritt	Strother
Butler	Gregory	Milligan	Sullivan
Campbell	Griest	Mooney	Swick
Carew	Hammer	Moore, N. J.	Taber
Carley	Harrison	Moorman	Taylor, Colo.
Casey	Hawley	Murphy	Temple
Celler	Hersey	Norton, N. J.	Tillman
Clague	Hull, Morton D.	O'Connor, N. Y.	Timberlake
Cole, Md.	Hull, Tenn.	Oliver, N. Y.	Treadway
Collins	Hull, Wm. E.	Palmer	Underwood
Connolly, Pa.	Igoe	Parker	Watson
Crowther	Jacobstein	Pou	White, Kans.
Curry	James	Prall	White, Me.
Davenport	Kelly	Rainey	Winter
Davey	Kent	Ramseyer	
Douglas, Ariz.	Kindred	Reed, Ark.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Sullivan (for) with Mr. Sproul of Illinois (against).
Mr. Boyland (for) with Mr. Spearing (against).
Mr. O'Connor of New York (for) with Mr. Pou (against).
Mr. Kindred (for) with Mr. Furlow (against).
Mr. Prall (for) with Mr. Hammer (against).
Mr. Oliver of New York (for) with Mr. McReynolds (against).
Mr. Carew (for) with Mr. Reid of Illinois (against).
Mr. Sirovich (for) with Mr. Fenn (against).
Mr. Doyle (for) with Mr. McFadden (against).
Mr. Kunz (for) with Mr. Griest (against).

Until further notice:

Mr. Hawley with Mr. Garner of Texas.
Mr. Treadway with Mr. Rainey.
Mr. Timberlake with Mr. Hull of Tennessee.
Mr. Bacharach with Mr. Watson.
Mr. Crowther with Mr. Ramseyer.
Mr. Estep with Mr. McLaughlin.
Mr. Andrew with Mr. Taylor of Colorado.
Mr. Kelly with Mr. Lyon.
Mr. Winter with Mr. Mead.
Mr. Barbour with Mr. Casey.
Mr. King with Mr. Moorman.
Mr. Clague with Mr. Igoe.
Mr. Swick with Mr. Milligan.
Mr. Connolly of Pennsylvania with Mr. Kent.
Mr. White of Maine with Mr. Underwood.
Mr. Graham with Mr. Reed of Arkansas.
Mr. Reed of New York with Mr. Moore of New Jersey.
Mr. Murphy with Mr. Carley.
Mr. Beck of Pennsylvania with Mr. McClintic.
Mr. Merritt with Mr. Gregory.
Mr. Campbell with Mr. Collins.
Mr. Aldrich with Mr. Mooney.
Mr. James with Mr. Shallenberger.
Mr. Curry with Mr. McMillan.
Mr. Sinclair with Mrs. Norton of New Jersey.
Mr. Davenport with Mr. Stedman.
Mr. Englebright with Mr. Celler.
Mr. Temple with Mr. Tillman.
Mr. Frear with Mr. Jacobstein.
Mr. Palmer with Mr. Davey.
Mr. Bowles with Mr. Garrett of Texas.
Mr. Parker with Mr. Fulbright.
Mr. Beedy with Mr. Kvale.
Mr. England with Mr. Douglas of Arizona.
Mr. Doutrich with Mr. Stevenson.
Mr. Taber with Mr. Harrison.

Mr. HADLEY. Mr. Speaker, the Ways and Means Committee is holding tariff-revision hearings. Several members of the committee have paired, and I ask unanimous consent to have read the additional pairs which I send to the Clerk's desk.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Mr. Hawley with Mr. Garner of Texas.
Mr. Treadway with Mr. Rainey.
Mr. Timberlake with Mr. Hull of Tennessee.
Mr. Bacharach with Mr. Watson.
Mr. Crowther with Mr. Ramseyer.
Mr. Estep with Mr. McLaughlin.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE RETIREMENT AND RECLASSIFICATION BILLS

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to proceed out of order for three minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed out of order for three minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Speaker and gentlemen of the House, I feel it of the utmost importance to call to the attention of the House at this time the necessity for passing the Dale-Lehlbach retirement bill. I have aided in securing a rule for consideration of this measure, which rule has been in the possession of the chairman of the Rules Committee for quite a while.

This act increases the maximum retirement pay to $1,200 a year and the average allowance to $800. The present maximum is $1,000, and the average pay around $700. And in many cases employees receive less than $100 yearly.

This fund comes largely out of the salaries of the employees—in fact, practically all of it. So, why should Congress object to passing a meritorious measure, which means the caring for aged employees of the Federal Government, when it comes out of their own pockets?

The session is approaching its close. There is no question that if this bill should be placed before the House at the present time it would pass by a vote of three-fourths of the membership.

I also wish to draw attention of the Members of the House to the reclassification act, passed by the Senate, known as the Brookhart bill and introduced in the House by Mr. CELLER, of New York.

And I will further bring to the attention of the Members of the House the fact that under the Welch bill, as administered by the Personnel Classification Board, from my personal knowledge and through information gained in discussing the matter with employees here, in my home city of El Paso, and elsewhere, that the ones receiving the lower pay have not been benefited.

I do not object, Mr. Speaker and gentlemen, to the fact that increases were granted under the Welch Act. I think this was very necessary and timely. But I do wish to impress upon you the fact that those in the lower grades, who I thought at the time of the passage of the act, would receive substantial increases, have not received them under the classification made by this board.

Furthermore, the Comptroller General construes this act in a different way from what Congress intended. And those whom we intended should get the real benefit, or a majority of the Federal employes, I might say, have not received it, as the act has been construed and administered.

Everyone recognizes at the present time the great increase in the cost of living. And since I have been a Member of Congress there has been at least 100 per cent increase in the cost of living. But the increase in salaries has not been commensurate with, by any means, or in proportion to the increase in the necessaries of life.

"The laborer is worthy of his hire." The Federal Government is a big corporation, and it has as faithful employees as we have in this great country. Therefore I especially urge that these bills be taken up at the earliest possible moment and placed before the House, where there is no question they will pass by a large majority.

I especially urge the Republican steering committee and the chairman of the Rules Committee, who have the power to bring these measures up and permit the Members who earnestly desire to have these increases made, to give them opportunity to vote upon them, so that they may be enacted at the other end of the Capitol and reach the President in time for his signature before the final adjournment on the 4th of March.

I recently signed a request for the bringing up of these measures and am informed by the gentlemen who circulated this petition that over 300 names of Members of the House had been secured requesting immediate consideration. This shows the temper of the House and should convince the "powers that be" of the great importance of considering this legislation at the earliest possible time. [Applause.]

DEPORTATION OF ALIENS

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 5094, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, this bill is an abridgement of a bill relating to deportation which passed the House almost unanimously in the last Congress and in the Congress before that. The bill in much larger form was reported from the committee to this House a year ago in January, but the time now is so short between now and adjournment it has been decided by the committee to report out a deportation bill in shorter form.

The committee has given the bill, in case it becomes a law, a title so that the act may be known as the undesirable aliens act of 1929.

The bill has been written with the greatest care, without malice or feeling of any kind, and is designed for the protection of the United States, and is intended to reach only the most dangerous classes of criminals and those aliens who smuggle or who assist in smuggling other aliens into the United States. This is the bill you have all been asking for. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. JOHNSON of Washington. In just a minute. Wait until I have finished my statement.

The committee spent some time in endeavoring to draft a paragraph that would reach the alien gunman, and at a meeting of the committee this morning the reporting of an amendment including one more classification was authorized, reading as follows:

(8) An alien who is convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, for which he is sentenced to imprisonment for a term of six months or more; or who, having been convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, is thereafter convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, regardless of the sentence in either case. This subsection shall apply only in the case of offenses committed after the enactment of this act.

In other words, in respect of this line of cases the committee, if we can enact this into law, reaches down to less than one year's conviction and recognizes a conviction of six months in a court of record, or two convictions of the same person regardless of the length of time.

Quite a number of the States have very stringent laws against the carrying of guns. Most of them require permits, and several States have laws with regard to the carrying of guns by aliens, and in some States aliens are required also to have permits.

I am hopeful we can get right along with the bill. It has been abridged to the last degree and will be effective, and now includes this additional provision.

Mr. HUDSON. Will the gentleman yield?

Mr. JOHNSON of Washington. Wait until I have rounded out my statement.

Mr. HUDSON. Will the gentleman yield with respect to the language describing the bomb?

Mr. JOHNSON of Washington. I just read it. We can not describe bombs and hatchets and the size of bombs, and all that sort of thing, in respect of the enactment of a bill to apply to persons who have been convicted. We use the words "explosive bombs." The courts will take care of the description according to State laws.

This language is the key to the bill:

That the following aliens shall, upon warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in sections 19 and 20 of the immigration act of 1917 (U. S. C. title 8, secs.

155, 156), if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States.

Now, gentlemen must understand that sections 19 and 20 of the basic immigration act of 1917 still stand, providing for deportation, and that every alien may have a lawyer and have a defense. That applies to two or three classes now—the procurer type and one or two others. This bill extends it to the narcotic type, the narcotic peddler, and also to those who would smuggle and harbor aliens. I think that makes it clear. They have the process and opportunity of defense, and in addition I want to say that all cases of deportation not mentioned in this particular act remain in the law of 1917.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. TAYLOR of Tennessee. I regard this as a very meritorious bill. It has already passed the Senate, I believe?

Mr. JOHNSON of Washington. Part of the text of the bill has passed the Senate, but we have substituted a deportation bill.

Mr. TAYLOR of Tennessee. I wondered if this amendment was adopted it would not jeopardize the bill?

Mr. JOHNSON of Washington. I think not; this Senate proposal really related to aliens deported and returning to the United States. I think that we can get something out of this that the people want.

Mr. UNDERHILL. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. UNDERHILL. Will the gentleman state why we can not make this retroactive?

Mr. JOHNSON of Washington. I have a doubt as to the policy of making laws retroactive.

Mr. UNDERHILL. If we could go back to January 1 and catch that bunch that did the shooting the other day in Chicago——

Mr. JOHNSON of Washington. I am not sure they are all aliens.

In regard to a retroactive clause, it is interesting to note that many of the provisions in the large deportation bill were brought out a year ago in the past. Yet some of the cases provided for deportation exist now only in a small degree. You must remember that there was a time limit—five years in most cases and three years in some. There was no limit to some of the worst criminals. When your committee undertook five years ago to work out a deportation law there were a great many dependent aliens in insane institutions—decrepit and paupers. The law was not passed and so time limit ran in nearly all of the cases. The restrictive immigration act went into effect on July 1, 1924, so it will be five years next July, and on July 1 next the time limit will run out in nearly all classes.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. COCHRAN of Missouri. My attention was called to the cases of four aliens ordered deported confined in an institution in St. Louis where the State Department was unable to secure from the foreign government their passports. How are you going to get such people deported if the foreign government will not issue the passports?

Mr. JOHNSON of Washington. We have the same trouble in the United States, for we as a government decline to take back our insane aliens from Canada.

Mr. COCHRAN of Missouri. Then what is the use of passing this bill if the foreign governments will not grant the passports?

Mr. JOHNSON of Washington. This reaches another type entirely.

Mr. SABATH. Mr. Chairman and gentlemen of the House, I am pleased to be in a position to say that it begins to look as if I have been of some service to the House and to the country. I say this because I recall that when some four years ago the House was about to pass a deportation bill I called attention to the fact that it contained many glaring defects. I pointed out here at that time that some of its provisions were most unfortunate, unfair, and utterly indefensible. That I was justified in my criticism was demonstrated later by the refusal of the Senate to enact it into law.

Again, a year ago, the House passed a deportation bill, not as fierce, not quite as bad, as the one we passed in 1926, but still a very vicious bill which again failed, and properly so, to pass the Senate.

Therefore, I am indeed pleased that to-day the committee submits for your consideration a deportation bill which is not as vicious, which is not as bad, and which I am hopeful that I may be able to vote for, and will vote for, if a few amendments are agreed to, and which amendments I feel that you gentlemen will vote for when they are submitted to the House.

Now, with a view of enlightening some of you gentlemen who have been made to believe that in years gone by we have had no deportation legislation, I want to read to you, while I have a chance, what the present law provides.

I desire to do this so that in the future you will not be carried away on legislation that is brought up on the floor of the House merely because some unreasonable people insist upon its enactment. I know that most of you, due to the large amount of work you have, and the many duties which you must perform, are unable to familiarize yourselves with all of the laws. Therefore, at this time I shall read what the present deportation law actually is. Section 19 provides:

SEC. 19. That at any time within five years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or in violation of any other law of the United States; any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section four hereof; any alien who was convicted, or who admits the commission, prior to entry, of a felony or other crime or misdemeanor involving moral turpitude; at any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspection, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported.

I have read to you the deportation provision of our law which has been on the statute books for over 10 years, under which to my mind you can deport almost anybody, at least anybody and everybody who is guilty of any crime. But in that law there were limitations as to when deportations must take place in instances of certain offenses. It will be noted that the law now requires that deportation must take place within three or five years in certain instances. That, however, does not apply to the provision that I had written into the law, namely, the deportation of violators of the white-slave traffic, under which they can be deported at any and all times without any limitation of time. The bills that the committee reported, and the House voted for, at the last session and the session before last, merely recited the present laws and eliminated the limitations that are placed in it, in respect to some of the offenses mentioned in the 1917 act. Therefore, as I say, I am mighty pleased to-day to know that the committee has finally, after sobering up and giving the matter due consideration, submitted a report and recommended a bill which is not as harsh, not as unreasonable, as those bills which you gentlemen have twice voted for almost unanimously in this House, due to the fact that you did not have the information that you should have had before voting on such important legislation.

Mr. EVANS of California. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. EVANS of California. Will the gentleman point out to us the difference between the old deportation law and this bill under consideration?

Mr. SABATH. I do not think that I have the time, but I will say that this bill eliminates the time limit in certain offenses, so that under this law—and that is one of the objections I still have—a man may be deported for a minor offense—yes, even for misdemeanors committed 20 or 30 years ago. The gentleman, I take it, is a lawyer; and he knows that in every State in the Union we have a statute of limitation which runs, in most of States, three years, and in some of them five years, which is the time limit within which a man guilty of an offense, even a crime, can be prosecuted. But in this bill we completely eliminate that time limit, and a man might be deported, as I stated, 10, yes, 20, years after the offense has been committed. That provision in relation to some minor offenses is, I think, cruel, un-American, unwise, and unjustifiable, and I feel it should be amended. I favor the deportation of a real criminal at any and all times, but not one guilty of only a minor infraction of law.

Mr. RUTHERFORD. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. RUTHERFORD. The gentleman stated a moment ago that the committee had sobered. Does the gentleman wish to leave the impression that it was drunk on power?

Mr. SABATH. I know that the gentlemen of my committee do not get drunk on anything else than power. Of course, I am not at all times with them, and I do not know whether they imbibe anything other than the power that has been granted to them as members of that committee. I certainly do not wish to leave any inference that the committee, or any member of it, has been drunk on anything other than power. Proviso 3 and proviso 4 in this bill, I think, should be amended. I hope you gentlemen who are here will realize that I am not seeking anything beyond fairness and justice, that I favor deportation, and that I always did, of any criminal and, again, I am obliged to congratulate myself and pat myself on the back because the committee has finally agreed with me and has brought in a provision under which we will be able to deport the criminal gunman. In the acts of 1925 and 1926, and in the last year's act, that provision was not in the deportation bill. I then introduced a bill which provided directly for the summary deportation of gunmen. I have no sympathy, and never did have any, with any real criminal, but I do have sympathy for an unfortunate alien who, through no fault of his, finds himself an inmate in an institution, such as a hospital or public sanitarium, where he has been sent because of injury that he has received through no fault of his own, and who, because of that fact, when found to be receiving treatment in such an institution is designated a public charge, though he did nothing to bring it upon himself, and under our laws is ordered deported because he has not enough funds to be taken care of or treated in a private hospital or sanitarium. I have always favored the deportation of every real criminal.

I have no sympathy with those who deliberately come here in violation of the law, trusting to outwit our officials, and I repeat that they should be deported. Therefore, I hope to-day to be able to support a deportation bill even though it may go a little further than I think it should, providing it may contain provisions which I feel of interest to our Nation. I say, I am hopeful that I may be able to vote for it, providing, however, you will help me to justify my vote for it by eliminating some few unjustifiable provisions which are both unreasonable and unconstitutional.

In addition to the amendment which I offer, I have another amendment which I desire to offer and will offer when the proper time comes, and that provides for the deportation of anyone, not only the gunman convicted in court of record, but I will go with the committee a step farther. I believe we should deport every gunman after he has been found guilty the second time of having in his possession any gun, pistol, revolver, or explosive bomb. It should not be necessary that he should be convicted in a court of record, but it should suffice that he has been convicted in any court. I repeat that I am not, never was, and never will be in favor of anything helpful to any alien criminal. I am against them; I want them out. I want the alien here to behave himself and demonstrate that he is deserving of our hospitality. On the other hand, gentlemen, I want to ask of you that in the future when this question comes up do not look upon this question as involving principally the alien, but as having reference chiefly to the criminal.

The number of the criminal aliens is small, indeed, in comparison; the percentage is much lower in fact than that among American-born or American citizens.

These gunmen that you read about are not aliens. They are not men who came here in the last 5, 8, 10, or 15 years and of the so-called new immigration. A majority are men who are born in this country; some are of foreign parentage.

A large number of men who are studying the present crime wave believe that the late war is responsible for the prevalent crime.

The war undoubtedly taught men to hold human life cheap; it imbued men with the killing instinct. Civilization is going to have to pay the price for a certain period, until this killing instinct subsides.

However, anyone who has studied the conditions can not deny that prohibition, to a far greater extent than the war, is responsible for the present wave of crime.

In this I am borne out by every man and woman, and every organization that has investigated and studied conditions. Therefore, gentlemen, the sooner we modify or change the present prohibition law the sooner we will be able to reduce, and I hope, eliminate a great measure of the existing deplorable conditions. Such action, and such action alone, in my judgment, will tend to arrest the ever-increasing disregard of every other law. Prohibition has been responsible for more crime than anything else that has occurred in America in a century.

Therefore I am indeed grateful that the committee has agreed to embody in this bill an amendment which will bring about summary deportation of any alien guilty of carrying concealed weapons. I concede it is a very stringent provision, but I feel it is absolutely necessary, not because it will bring about any great number of aliens for this offense, but it will prove beyond doubt that only a very few, if any, of these gunmen are aliens, which will be demonstrated within a short space of time after this provision goes into effect and will stop the continuous attacks of those who are trying to unload all the blame for all crime on the shoulders of the immigrant classes.

The amendment referred to which I shall offer at the proper time and which I hope will be adopted, reads as follows:

(8) An alien who is convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, for which he is sentenced to imprisonment for a term of six months or more; or who, having been convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, is thereafter convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, regardless of the sentence in either case. This subsection shall apply only in the case of offenses committed after the enactment of this act.

In this connection, gentlemen of the House, I desire to state that in the following additional amendment I believe I provide a manner of getting at a real solution of this problem of the alien gunman in a more far-reaching and practical way than by any method that has heretofore been suggested here:

an alien who has no lawful and visible means of livelihood, who has been convicted for the second time as a vagrant, if it appears that in each case at the time of his arrest he was carrying on his person or in a vehicle, a concealed pistol, revolver, gun, or bomb.

Mr. GREEN rose.

Mr. SABATH. I had forgotten the gentleman. I am glad——

Mr. GREEN. Will the gentleman yield?

Mr. SABATH. I will.

Mr. GREEN. I wonder if the gentleman has the figures showing exactly what percentage of the criminals of the country are aliens and what percentage are Americans?

Mr. SABATH. Well, I will give that information in a minute.

Mr. GREEN. And also give to the House what percentage of our population is foreign born.

Mr. SABATH. I will try to give the gentleman and the House all the information I possibly can within the time allotted to me. I am glad to see the gentleman rise and ask for information for I know he can use a lot of information and the information probably will be beneficial to him I hope in the future. [Laughter.] I do not know of anybody who can absorb more information than the gentleman.

Mr. GREEN. And I do not know of any gentleman who can come as near not giving information as the gentleman. Will the gentleman answer the question?

Mr. SABATH. I shall again prove to you and to the House that you are again wrong in your statement, as I will give you facts and figures that will make you dizzy, and I hope that it will do you some good.

Mr. GREEN. Answer the question.

Mr. SABATH. And be absorbed by you and subsequently utilized in the right direction.

The gentleman from Florida requested information, and I must not disappoint him. I wish to submit some information relative to his own State of Florida. Florida had an estimated population in 1925 of 1,253,957, of which 28,571 are listed by the United States Census Bureau as aliens, and I imagine a very, very small proportion of that number are Europeans and a very large proportion Cubans and from the West Indies.

Florida, being part of the States, is under prohibition along with the rest of us, and the records show the people down there are inclined to violate the prohibition laws very much as they do elsewhere. If the aliens are the only ones violating the Volstead Act, they must be kept pretty busy. The records show that during the year ending June 30, 1928, the number of "distilleries" seized in the State of Florida numbered 820, while of lesser apparatus for violating the prohibition laws, there were confiscated in that State, in addition, 581 individual stills, 850 still worms (whatever they are), and 20,981 "fermenters." So that it is evident that someone down in the gentleman's State does enjoy a drink. I read recently in the newspapers a statement by some public official to the effect that 100 stills are operating in the Nation as a whole for every 1 destroyed, and if this estimate holds good as to Florida it becomes evident that more good "likker" is being produced in the good and great State of Florida than can probably be consumed by the aliens without a little assistance now and then from the balance of the Florida citizenship.

I do not wish to be understood as assailing Florida or Floridans. Not at all. I sympathize with Florida. Not only did she lose in a single year all that valuable paraphernalia for the manufacture of the celebrated Florida "hootch" or "white mule," but her citizens were forced to withstand the agonizing ordeal of standing helplessly by and watching the authorities seize, lay violate hands upon, and destroy 36,596 gallons of the finished product of the still, to say nothing of 1,097,287 gallons of the still unfinished product, otherwise known as "mash." Visualize it, contemplate it, weep over it, you who have hearts, the "makings" of a million grand and glorious feelings heartlessly and ruthlessly wasted!

One more reference as to the prohibition and Florida, and then I intend to let Florida alone. In addition to the output of Florida's distilleries, stills, still worms, and that Florida handy household convenience, the "fermenter," it is said that enough red liquor is smuggled into Florida ports from Cuba and the Bahamas every year to float one of those cruisers of the type recently authorized by Congress.

Adjoining Florida is the "bone-dry" State of Georgia. Georgia in 1925 had an estimated population nearly three times that of Florida, but only one-sixth as many aliens, 4,734 against Florida's 28,571. But—shades of William D. Upshaw—the year ending June 30, 1928, witnessed the destruction of more than twice as many stills, and the seizure of more than twice as much mash, in which so much hope and anticipation is centered, than occurred even in Florida.

To recapitulate, the year's casualties for "bone-dry" Georgia were: 1,919 distilleries, 1,484 stills, 934 still worms, 19,379 fermenters, 33,351 gallons of spirits, 2,456,067 gallons of mash—all gone to smash! And the number of aliens affirmed to be in Georgia was only 4,734 out of its total population of 3,058,260! Only one-sixth as many aliens and more than twice as much law violation? Is further comment necessary?

If the estimate previously cited, of 100 stills operating for each one discovered and seized holds good for Georgia, the "aliens" down there have no need of any worry on our part. They are no doubt still able to get a drink and this notwithstanding the statement on the part of its Representatives.

I have no personal animus whatever in this matter, and am not pretending that Florida or Georgia is any worse or any better or any drier or any wetter than any other State in the Union. As a matter of fact, they are not. I could cite similar figures about most any other State in prohibition America. For the farce is nation-wide.

But since I have been discussing those two States I wish to add, as a mere matter of postscript, a little further data to show which way the wind is blowing in a couple of the leading cities of Florida and Georgia.

Arrests for drunkenness in Jacksonville, Fla., for the year 1921 numbered 995, but for 1927 the number was 3,109 more than three times as many as during 1921.

Arrests for the same cause in Atlanta, Ga., in 1921 numbered 4,491, as against 9,896 in 1927.

Similar statistics could be cited for most cities in the United States, and it is a curious fact that the increase of arrests for drunkenness appears markedly greater in the former so-called dry States than in the former so-called wet States.

Another peculiar fact revealed by the official report of the Commissioner of Prohibition is that some of the States which send the leading dry crusaders to Congress are greater violators of the prohibition law, in proportion to population, than some of the former so-called wet States. Much is said, for instance, about the "wetness" of my own State, Illinois. Now, I frankly admit the prohibition law is violated there, but you seldom hear the Representatives of the "dry" States doing likewise. Yet the official report of the United States Commissioner of Prohibition shows that the number of arrests for violations of the prohibition amendment is greater per capita in the "dry" South, which produces our leading "dry" advocates, than in "wet" Illinois. The following figures are all taken from the report indicated, covering the year ending June 30, 1928:

State	Population estimated, 1925	Distilleries seized	Stills seized	Still worms seized	Fermenters seized	Spirits seized	Mash seized
						Gallons	*Gallons*
Alabama	2,467,190	414	308	3	4,298	8,207	377,634
Florida	1,253,957	820	581	850	20,981	36,596	1,097,287
Georgia	3,058,260	1,919	1,484	934	19,379	33,351	2,456,067
Total	6,779,407	3,153	2,373	1,787	44,658	78,154	3,930,988
Illinois	6,964,950	330	935	191	9,431	75,193	1,618,234

This table and figures show that there are ten times as many distilleries, three times as many stills, nine times as many still worms, five times as many fermenters, and over twice the number of gallons of mash seized in the three States with a population of 200,000 less than that of the State of Illinois. And this notwithstanding that the laws are not enforced in these dry States to the extent that they are in my State.

Now, I hope that in the future the gentleman from Florida, who believes in law and order and decency and morality, will help me and others to bring about an amendment or modification of the prohibition law, so that we can eliminate the present wave of crime that is prevalent from one section of the country to the other solely as a result of prohibition.

Mr. GREEN. I will be glad to help the gentleman if his committee will bring out a bill that will deport every alien who violates the prohibition law.

Mr. SABATH. Here I have a report from the Commissioner of Immigration for the year 1928. On page 154 of this highly informative document he will find, in Table No. 56, the facts relative to "Aliens deported (under warrant proceedings) after entering the United States, fiscal year ended June 30, 1928, by race or people and causes."

In that entire year, the latest for which we have available statistics, the total number deported for the entire United States was 11,625. Of that number, only 681 are shown to have been deported as "criminals after entry." In other words, this amounts to less than 6 per cent.

Now, the gentleman wants to know from what countries these deported persons came. This table furnishes that information, too. Of the 681 deported under the aforementioned head, 191 were returned to Mexico. It may surprise some Members of this House to know that neither the second largest number of those deported, nor the third largest number of those deported, came from any of the much-maligned southeastern European countries, but from the so-called Nordic races, so much championed here. Now, gentlemen, I dislike very much to point out the shortcomings of any people. But I feel that it is nothing short of my duty to give the country the facts on the situation. The second largest number of aliens deported as "criminals after entry" were English, of which there were 79.

Among the various races we note that 46 French were deported; also 58 Italians—a considerable number, perhaps, yet 21 fewer than of British. Deportations of some of the nationalities were: Czechoslovakian, 5; Bohemian and Moravian, none; Lithuanian, none; Rumanian, 2; Russian, 3; Bulgarian, Serbian, and Montenegrin, none; but Scotch, 29.

The fact is, gentlemen, and you may as well face the facts, the English propagandists have been fooling the American people right along. It is well known in this connection that propaganda always did constitute a big part of British diplomacy. Through British secret organizations, lobbyists, and through the press the English have succeeded in convincing the American people that the southeastern European immigration to the United States is composed mainly of the lawbreaking class.

Were we to take this propaganda at its face value, we could only conclude, and God only knows how many Americans have erroneously so concluded, that lawbreakers have been coming in from southeastern Europe by the hundreds of thousands. I have just cited figures showing how different are the real facts in the premises.

The document from which I have read to the House to-day is available to anyone. If the gentleman has not been able to secure a copy, I will be glad to furnish him one, together with additional information that will be helpful and beneficial to him in the future.

Mr. GREEN. Does not the gentleman know that it is estimated there are a million criminal aliens in the United States?

Mr. SABATH. I thank the gentleman. He always comes to my relief when I am nearly exhausted.

This statement of the gentleman from Florida, about the million of alien criminals in the United States is on par, and just as wild and untrue, as many of his other statements on the question of immigration and prohibition. It is amazing how reckless he and the other prohibitionists and restrictionists can be with facts and figures.

Now, I have with me information here that I have been furnished with only to-day by the secretary of the committee, namely, a report from the State Department. If we have no confidence in the Labor Department or the Commissioner of Immigration, although I know he is a sincere and well-meaning man, and so is the Secretary of Labor, we certainly have confidence in the Secretary of State. I am sorry that the incoming newly elected President will not see fit to reappoint the present incumbent as Secretary of Labor, because I know that he has done splendid service in the position that he occupies, and especially during the last campaign.

Mr. GREEN. Mr. Chairman, will the gentleman yield right there?

Mr. SABATH. No; I can not yield.

Mr. GREEN. I think the Secretary of the Treasury is the one they were most interested in.

Mr. SABATH. Oh, I know you people are interested in the Treasury and in money.

Mr. GREEN. We are interested in the Secretary of the Treasury when he opposes a $24,000,000 additional appropriation for prohibition enforcement.

Mr. SABATH. Yes; I know you and all your prohibitionists are just anxious to get hold of the $24,000,000, and, if possible, more, so that you can provide for more lucrative jobs for the professional prohibitionist fellows.

The gentleman wanted to know the number of aliens that are on the list that might be deported, and what proportion of them had been deported. I have to repeat that the number who have been deported was a little over 11,000, and I believe that under the present law the number will not be increased, although I am ready to vote for any additional appropriation that may be necessary.

Right in connection with this, Mr. Chairman and members of the committee, let me call your attention to one thing: I observe that yesterday the Secretary of the Treasury agreed to an additional appropriation for the Coast Guard and for our border patrol. I have advocated for years that the service should be unified. Why should we have a thousand or twelve hundred immigration inspectors at $2,000 each and other inspectors as well doing work in the same section of our country, and doing nearly the same work? We could easily save millions of dollars and secure a better enforcement of the law on our borders and at the same time secure much better and more efficient service if the inspection force were unified, and for that reason I hope you gentlemen on the Committee on Appropriations and you other men of influence will be able to bring home to the Secretary of the Treasury that information that should have been his that this department should be unified. We would be able to secure thereby an inspection and examination and control of our border lines without the additional expenditure of $2,000,000 or $5,000,000.

Now, as I am nearly exhausted—not in convincing material but in strength—I shall be glad to yield the floor. How much time have I consumed, Mr. Chairman?

The CHAIRMAN. Twenty minutes.

Mr. SABATH. I am thankful for the courtesy of my friend, the chairman, and the membership of the House, in giving me this opportunity at this time.

Mr. JENKINS. Mr. Chairman, in the momentary absence of the gentleman from Washington [Mr. JOHNSON], I yield to the gentleman from Texas [Mr. BOX] 10 minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BOX. Mr. Chairman and members of the committee, Members of the House who were Members of the preceding Congress will recall that this House then passed a deportation bill. It was much more inclusive and, I think, a better bill than this one. But it did not become a law. The fault, if it was a fault, is not chargeable to this House.

During the first session of this Congress your committee reported another deportation bill, somewhat subdued, a little milder in its provisions, and that bill remained here on the calendar indefinitely and had very little prospect of passage. Now we have brought forth a third and still more subdued edition of the original deportation bill.

One reason why this bill is presented in this form is because your committee believes that it has a better chance of passage than a bill such as was reported before; and if Members are not satisfied with this measure because it does not do all the things they think should be done, I suggest to them that, although we can not accomplish all that we believe we should do, that is no reason whatever why the good that this measure will accomplish should not be done.

There are several leading features in this measure which are worthy of attention and fully justify its passage by the House. I want to call attention, first, to a group of offenses named in the first part of the bill. When aliens commit these offenses there is a summary proceeding for their deportation upon its being found that they are guilty of these offenses and are undesirable aliens. You will find them grouped in the first portion of the bill—those who engage in the sale of narcotics and others who are guilty of the commission of certain other offenses therein named. Then there is another group of offenses. When aliens commit any of those latter offenses it is necessary, before they can be deported, that they shall have been convicted in a court of record and given the sentences prescribed. In viewing this legislation and wondering why former measures have been so modified, you should give attention to the fact that we have a very large number—and I could quote official figures if it were necessary to do so—of people now in the United States who are subject to deportation and who are not being deported. It seems not wise to add a vastly increased number when the number is so great and the Government is not now dealing with them adequately. Take, for instance, aliens who are guilty of the violation of the liquor laws. A number of gentlemen have asked questions about that. I would not undertake to estimate the number, but I would say it is very great. With Congress willing to appropriate only enough money to deport about 12,000 aliens per year, it would seem to be utter folly to authorize the deportation of 50,000 or 100,000 more. We do not want the law to appear utterly helpless and ineffective, and therefore your committee has concluded for that reason to leave out a lot of these offenses. When these offenses are committed many of those who commit them are tried in a police court. The sentences are short. It is not certain that it is wise to deport a man who has been convicted in a magistrate's court or in any court other than a court of record.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOX. Yes.

Mr. LAGUARDIA. When these blanket injunctions are issued during a labor dispute, it is quite possible for a man to be committed for contempt or for the disobedience of an injunction and thus come under the provisions of this bill.

Mr. BOX. If that is true—and I would not want to be diverted into a discussion of it—I will say to the gentleman that that line of offenses was not considered by the committee in reporting this legislation, and I think the gentleman will find that the Department of Labor must find, in addition to other things, that they are undesirable aliens.

Mr. LAGUARDIA. In all these cases?

Mr. BOX. I think so.

Mr. LAGUARDIA. That would be helpful, but I fail to find it in the bill.

Mr. BOX. I think the gentleman will find that in the bill. Then there is another class of aliens with which we have been dealing heretofore. I refer to immigrants who approach the border, are detected, and then ordered deported. If such immigrants have been rejected at the border, they can attempt to enter and reenter repeatedly, subjecting themselves to no inconvenience except being pushed back across the border. We have inserted in this bill a provision providing for their punishment in case they attempt to reenter the country or to enter it in any manner illegally. If an adequate force is provided to intercept these who enter the country illicitly, and they are carried into the courts and punished for their efforts to disregard the immigration laws, that will have a very beneficial and helpful effect in procuring a better enforcement of the law.

There are many features of the measure which I would like to discuss with the House at length. However, an adequate discussion of them would require much more time than any of us can take under the circumstances here. I therefore merely say to my colleagues that while this measure does not accomplish all that the country would like to accomplish in this direction, it is a moderate but substantial improvement of the present law. The committee amendment, which I understand the chairman expects to present, ought to be adopted and the bill as thus amended ought to pass the House. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. JOHNSON of Washington. Mr. Chairman, I yield four minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, this is a bill that is good as far as it goes. I would like to see the committee offer a much more stringent deportation bill in view of the fact that the department, as I understand, has estimated there are now 1,000,000 aliens in the United States who entered unlawfully.

I would also like to see the bill go far enough to deport for one offense, though it happened to carry only a 30-day conviction, be it for prohibition violation or what not. I do not entertain the sob stuff about separating families, and all the propaganda which is usually forced before the committees and before the House in regard to breaking down the immigration laws.

I believe if our department has not sufficient machinery to enforce the deportation laws, the Congress, in defense and in protection of the laboring forces of America and the homes and institutions of America, should provide sufficient funds for this purpose.

I believe there is no more serious question confronting the organized labor forces of the Nation and the institutions of our Government than the immigration question. If you will examine the criminal records you will find that, in proportion to alien population, the percentage of criminals is largely foreign.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. GREEN. A little later. I think you will find the percentage is 80 per cent, according to population.

Mr. COMBS. Will the gentleman yield?

Mr. GREEN. A little later. You will find that 80 per cent of them are of foreign birth, I believe, that is according to population. You will find that the communistic and bolshevistic influences which are here in our Nation are invariably emanating from persons of foreign birth.

Then, my colleagues, when we know these things and when we are sworn to protect the Constitution, when we pay our taxes to uphold American institutions, why not meet these problems frankly? I favor closing the immigration doors and deporting all undesirable aliens. [Applause.]

If we stand for restricted immigration, vote for all these measures and instruct your immigration committees to bring out more drastic bills, even though the august body which sits at the other end of the Capitol seems to be laboring under a different spell.

Mr. DICKSTEIN. Will the gentleman yield now?

Mr. GREEN. I will.

Mr. DICKSTEIN. Where does the gentleman find that 1,000,000 unlawful aliens are in the United States?

Mr. GREEN. One million aliens unlawfully entered the United States and are now here.

Mr. DICKSTEIN. Where does the gentleman get that information?

Mr. GREEN. I understand that is a statement that has recently been made by the Immigration Bureau.

Mr. DICKSTEIN. Does the gentleman state that upon his own knowledge?

Mr. GREEN. Certainly not. I have not checked it up.

The CHAIRMAN. The time of the gentleman from Florida has expired.

There being no further general debate, the bill will be read for amendment.

The Clerk read as follows:

That the following aliens shall, upon warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in sections 19 and 20 of the immigration act of 1917 (U. S. C. title 8, secs. 155, 156), if the Secretary of Labor, after hearing, finds that such aliens are undesirable residents of the United States:

(1) An alien who hereafter violates or conspires to violate the white slave traffic act (U. S. C. title 18, secs. 397–404), or any law amendatory of, supplementary to, or in substitution for, such act.

(2) An alien who hereafter violates or conspires to violate any statute of the United States taxing, prohibiting, or regulating the manufacture, production, compounding, possession, use, sale, exchange, dispensing, giving away, transportation, importation, or exportation of opium, coca leaves, or any salt, derivative, or preparation of opium or coca leaves.

(3) An alien who hereafter willfully conceals or harbors, attempts to conceal or harbor, or aids, assists, or abets any other person to conceal or harbor, any alien liable to deportation.

(4) An alien who hereafter willfully aids or assists in any way any alien unlawfully to enter the United States.

(5) Any alien who hereafter enters the United States at any time or place other than as designated by immigration officials, or eludes examination or inspection by immigration officials, or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact.

(6) An alien who is convicted of any offense (committed after the enactment of this act and at any time after entry) for which he is sentenced to imprisonment for a term of one year or more, and who is thereafter convicted of the same or any other offense (committed after the enactment of this act and at any time after entry) for which he is sentenced to imprisonment for a term of one year or more.

(7) An alien who is convicted of any offense (committed after the enactment of this act and within 10 years after entry) for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under two or more previous convictions of the same or any other offense (committed after the enactment of this act), amounts to two years or more.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following committee amendment:

The Clerk read as follows:

Page 4, after line 9, insert a new subsection to read as follows:

"(8) An alien who is convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, for which he is sentenced to imprisonment for a term of six months or more; or who, having been convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, is thereafter convicted of carrying on or about the person, transporting, or possessing any weapon or explosive bomb, regardless of the sentence in either case. This subsection shall apply only in the case of offenses committed after the enactment of this act."

Mr. JOHNSON of Washington. Mr. Chairman, this amendment is self-explanatory.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. LAGUARDIA. Even the case under this provision would be subject to review by the Secretary of Labor as provided in the first section here as an undesirable alien?

Mr. JOHNSON of Washington. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was agreed to.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, after line 9, and after the amendment just agreed to, insert a new subdivision to read as follows:

"An alien who has no lawful and visible means of livelihood, who has been convicted for the second time as a vagrant, if it appears that in each case at the time of his arrest, he was carrying on his person or in a vehicle, a concealed pistol, revolver, gun, or bomb."

Mr. SABATH. Mr. Chairman, this is the amendment that I alluded to before, and it ought to pass without any opposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were 26 ayes and 42 noes.

So the amendment was rejected.

Mr. DICKSTEIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman and members of the committee, I doubt whether anything I may say will influence your vote, but I think you are working very fast and certainly working in haste. I venture to say that 9 out of 10 Members of the House can not explain if I asked them certain questions regarding this legislation, and how drastic it is. I am not going to speak about the constitutionality of the bill, I will leave that to my colleagues and the gentleman from Florida.

So far as I am concerned, I will give you the meat of the proposition.

The new deportation bill is a decided improvement over the bill reported by the committee. It does not change the limitation statute of the existing deportation provisions. It does not make the inspectors of immigration judges and jurors or give them any discretionary powers. It consists of seven sections, which briefly provide as follows:

First. It deports all violators of the white slave traffic act. We have no objection to that.

Second. It deports all violators of the narcotic act. We have no objection to that.

Third. It deports any alien who willfully harbors or conceals aliens liable to deportation. We have no objection to that.

Fourth. It deports any alien who assists willfully another alien to enter the United States unlawfully. We have no objection to that.

Fifth. It deports aliens who enter the United States at an improper place or elude examination by an immigration inspector. We have no objection to that.

Sixth. It deports an alien who is convicted of any offense for which he is sentenced for one year or more. I certainly object to this clause. If the offense were a felony, I have no objection,

but I can not accept the broad definition of "offense," which appears in the act.

Seventh. The same objection applies to the next provision, which makes an alien deportable if two or more convictions will total 2 years or more within 10 years after entry. The same objection is made as is made to the preceding provision. If the offense be a felony, I am satisfied; but where it is the violation of some police regulation or the prohibition law, I certainly can not accept it.

An attempt was made a number of years ago to insert in the deportation bill the question of violations of the prohibition law. So far as I am concerned, I am not talking about alien violators who willfully attempt to smuggle liquor into the United States or moonshiners or persons who are bringing in poisonous liquors. What I am referring to is persons who innocently and under circumstances may be found in possession of liquor and who may be sentenced for one year or more by some judge who is a fanatic on the question. It is needless for me to mention the States in which judges habitually impose stiff sentences for the most trivial liquor violation.

It may further happen that a poor alien, who may otherwise have a good moral character and who has raised an American family, may be subject to the attack under this proposed amendment if he should by chance be convicted of a violation of the prohibition law.

Proponents of this bill apparently do not want to insert a paragraph in this proposed deportation bill by saying so in the American language that they intend to deport persons who violate the prohibition law, and so they express it under the heading of "any offense."

It is needless to say that this offense, if committed by anybody, does not make him an undesirable person to remain in the United States; and we can not compare them to persons who violate the white slave traffic law and the narcotic act.

Objection must be raised to the provisions of section 2, where in a case of an indeterminate term the term actually served shall be considered on the basis of the length of sentence. It will be observed that under the laws of New York, for instance, a good many misdemeanors, even of a trivial nature, are punishable by an indeterminate term, and therefore a person may be convicted several times of trifling violations of law and have deportation stare him in the face if this bill is not amended

I respectfully suggest that wherever the term "offense" appears in the act it should be changed to "felony." If that correction is made, I shall be prepared to accept the bill as it stands.

The minority of the committee is not opposed to deportation; as a matter of fact, in seven sections you will find in the proposed deportation law, to five of them we have no objection. I want to call your earnest and serious attention to sections 6 and 7 of this proposed bill. In my opinion, if you read it twice you will hesitate as to whether or not you would agree to the policy and advisability of striking it out.

As to the proposition on page 7, paragraph 6, where it says a person convicted of "any offense." Why do they not provide for a person convicted of a felony instead of a person convicted of "any offense"? The present deportation law is, I maintain, more than sufficient to deport every undesirable alien. Whether it is going to be workable or not, it is a repetition of the same deportation provisions that we had in the previous act.

Mr. CRAIL. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. CRAIL. In the gentleman's State, can they send a man to prison for a year for anything less than a felony?

Mr. DICKSTEIN. Yes; they can for a misdemeanor. We can send them up for a indeterminate sentence, which means three years.

Mr. LAGUARDIA. For spitting on the sidewalk.

Mr. DICKSTEIN. Yes. Under the provisions of this bill a person who has been here for 20 years and who has committed three or four offenses, if they total up to 2 years in the 20 years, can be deported, and what are you going to do with his wife and family; who is going to take care of that wife and family?

Mr. GREEN. Send them with him.

Mr. DICKSTEIN. Oh, the only time that I can answer the gentleman's question is, if he will come back with me to-morrow and tell me the difference between a white horse and a black horse and which horse eats more, then I shall be in a better position to yield to some of his questions.

Mr. GREEN. I will do that if the gentleman will support with me a proposition closing the doors to immigration altogether for five years.

Mr. DICKSTEIN. Then you would have to throw everyone out of Florida.

Mr. GREEN. I am in favor of a restriction for five years.

Mr. DICKSTEIN. You better go back home and tell some of your townsmen not to charge $1 for a glass of beer that is not worth a nickel. [Laughter.] You go back and tell them that.

Mr. GREEN. If the gentleman knows of a place in Florida or elsewhere where they sell beer openly, I will send the prohibition agents there.

Mr. DICKSTEIN. If the gentleman will come with me to-morrow, I will show him where it is.

Mr. GREEN. I will not go with you. You take the prohibition agents with you.

Mr. DOWELL. Mr. Chairman, I make the point of order that both gentlemen are out of order, and I shall insist upon their proceeding in order.

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. SCHAFER. The gentleman from Florida [Mr. GREEN] desires to entirely close the doors to immigrants and wants to deport everybody. His speech indicates that the only criminals are aliens. I would like to see him so amend his views as to be willing to deport the notorious criminals in the Ku-Klux Klan organization.

Mr. DICKSTEIN. I have no objection.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 2, after the word "offense," insert the words "involving moral turpitude"; and on page 4, line 3, after the word "offense," insert the words "involving moral turpitude."

Mr. LAGUARDIA. Mr. Chairman, I submit this amendment for the purpose of making clear what I am sure is the intent of the committee.

Mr. JOHNSON of Washington. But it is not the intent of the committee.

Mr. LAGUARDIA. Mr. Chairman, that is a frank and honest admission. Therefore I shall change my statement and say that I offer my amendment in order to make this law somewhat in keeping with the ideas of fair men and men who are versed in the law. To have this law apply to men who are convicted of offenses which the chairman of the committee has declared do not necessarily involve moral turpitude is so extreme as to make its very purpose ridiculous. We have the declaration of the chairman that it is not the intention of the committee to deport only in cases involving moral turpitude, and that destroys the logical, the sensible, the sound and honest intent, as described by the gentleman from Texas [Mr. Box]. You have a proposition here which requires very serious attention. If it is limited to offenses involving moral turpitude, then you embrace in the provisions of the law cases of murder, assault, burglary, robbery, arson, rape, all the crimes in the penal laws known as malum per se. But if you leave it open, with the meaning which the chairman of the committee has declared is the intention of the committee, you are providing for deportation in cases of violation of traffic regulations, or in violation of a town ordinance, a misdemeanor, or any trivial matter, and, mark you, without a statute of limitation. A man may be deported for the most trivial offenses.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. The gentleman understands that the present deportation laws have to do with those who are convicted of crimes involving moral turpitude. This prosecution is dealing with two convictions, each of a year or more, and it is not likely that any court in the land will send anybody up for one year for violating a traffic regulation.

Mr. LAGUARDIA. I will say to the gentleman that right in the great State of Pennsylvania in the coal region a man may be sent to jail for standing on the street. The private coal and iron police of the coal companies—thugs and perjurers, that is what they are—may send a man to jail for holding a meeting on his own property. That is the situation I am trying to overcome.

Mr. TARVER. If the gentleman will yield, the gentleman I am sure is aware that the highest courts in the country have sustained the ruling that the manufacture and sale of intoxicants is not a crime involving moral turpitude. If this amendment is adopted, any bootlegger or manufacturer of intoxicating liquor could not be deported irrespective of conviction.

Mr. LAGUARDIA. If the gentleman will support my amendment, I will support an amendment providing for the deportation of the bootlegger.

Mr. TARVER. I would accede to the gentleman's proposal if I could be assured that such an amendment——

Mr. LAGUARDIA. I will withdraw my amendment if the gentleman will offer such an amendment.

Mr. TARVER. I have such an amendment prepared, and if the gentleman will withdraw his amendment I will offer my amendment.

Mr. LAGUARDIA. I want to say to the gentleman from Georgia that the proposition contained in this bill and as admitted by the chairman of the committee is so extreme, so farfetched that my amendment should be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. I ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TARVER. If the gentleman will stand by his statement and withdraw his amendment, I will offer my amendment.

Mr. LAGUARDIA. I ask unanimous consent that my amendment may be held in abeyance pending the amendment to be offered by the gentleman from Georgia.

The CHAIRMAN. Is there objection?

Mr. MCCORMACK. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. SCHAFER) there were—ayes 10, noes 70.

So the amendment was rejected.

Mr. SABATH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 13, strike out the words "in any way."

Mr. SABATH. Mr. Chairman and gentlemen, I hope you have before you the bill, and if you will look at page 3——

Mr. LAGUARDIA. What line?

Mr. SABATH. Line 12.

Mr. JOHNSON of Washington. The committee will accept the amendment. I would like to say the words mean nothing anyway, and there is no objection to striking them out.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SABATH. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 4, strike out "10" and insert "5."

Mr. SABATH. You will find, Mr. Chairman and gentlemen, on page 4, paragraph 7, starting out with line 3, the following:

(7) An alien who is convicted of any offense (committed after the enactment of this act and within 10 years after entry) for which he is sentenced to imprisonment for a term which, when added to the terms to which sentenced under two or more previous convictions of the same or any other offense (committed after the enactment of this act), amounts to two years or more.

My amendment strikes out the word "10" and substitutes the word "five," so that the paragraph will provide—

that within five years after his entry—

In lieu of 10 years, and so forth.

Now, we know that after a man has been here for five years he has, more or less, acquired the habits and customs of our country, and if, in due course of time, he commits some violation or offense of which he may be found guilty, which may be only a misdemeanor, or he may be guilty of something else, and due to two or three such convictions, sentence would amount to two years, he could be deported up to 10 years of his residence within the United States. Now, I feel that it would be reasonable if we would shorten that to five instead of ten.

Mr. DICKSTEIN. Does not the gentleman think that instead of using "any conviction" it would be better to use the word "felony" in sections 6 and 7?

Mr. SABATH. I am not speaking of that. This amendment is pending now, and I feel that it should be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

Mr. TARVER. Mr. Chairman, I have been trying for 15 minutes to get the floor.

The CHAIRMAN. The gentleman from Washington moves that all debate on this section and amendments thereto be now closed. The question is on agreeing to the motion of the gentleman from Washington.

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. TARVER and Mr. SCHAFER demanded a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 65, noes 8.

Mr. SCHAFER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. SCHAFER. Mr. Chairman, I will withdraw that point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order.

Mr. TILSON. Mr. Chairman, may I proceed for two minutes out of order?

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for two minutes out of order. Is there objection?

Mr. SCHAFER. Reserving the right to object, Mr. Chairman, did we not just adopt the motion of the gentleman from Washington [Mr. JOHNSON] closing debate on the pending question?

The CHAIRMAN. That is correct.

Mr. TILSON. I am not going to debate the question at all, I assure the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Chairman, as I understand the rule under which we are now operating, it will be necessary to continue to-day if this bill is to be finished under the rule. It happens that we have now reached about the hour of adjournment, and it seems that we have several sections of the bill still to consider that will require some little time. To-morrow we are to be in session and the day is not crowded at all. I am wondering whether if we rose and went into the House we might be able to secure unanimous consent to go on with this bill to-morrow instead of continuing to-day. Is there anyone who will object to this request in the House?

Mr. TARVER. I object.

Mr. SCHAFER. I shall object unless the vote taken to close debate on the section is vacated.

Mr. TARVER. I shall object unless I shall be afforded the same opportunity of presenting my amendment as other Members have had.

Mr. JOHNSON of Washington. There is no desire at all, I will say to the gentleman, to keep off legitimate and proper amendments. Just as the gentleman from Connecticut has said, the rules confine us to one day. The hour is getting late. If we can come to an agreement by unanimous consent, we may be able to finish the bill.

Mr. TARVER. I shall object unless you follow the suggestion of the gentleman from Wisconsin that we vacate the motion to close debate.

Mr. TILSON. The committee can vacate its own aetion at this stage by unanimous consent.

Mr. JOHNSON of Washington. If we can have the understanding that we are not foreclosed because the rule provides for one day and can continue to-morrow, I will be very pleased to give the gentleman the time he wants.

Mr. LAGUARDIA. I will state that while I shall invoke every honorable and fair parliamentary and strategic measure to defeat the bill I will not avail myself of the privilege of raising the question of consideration to-morrow. I think it is for the best interests of all concerned that we have more time to-morrow to consider the bill.

Mr. TILSON. It seems to me that is true, and if the Members present are willing to agree to this I should like to make the request in the House, where it will be binding.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to vacate the proceedings of the committee by which debate on this section was closed. Is there objection?

Mr. NEWTON. Mr. Chairman, reserving the right to object, and I shall not object, should there be an objection when we go into the House, I presume the procedure will be that we will go back into the Committee of the Whole and complete our labors to-day.

Mr. JOHNSON of Washington. That is so understood.

Mr. GREEN. And the gentleman from Georgia [Mr. TARVER] will be given an opportunity to offer his amendment to-morrow?

Mr. JOHNSON of Washington. That is understood.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to vacate the proceedings limiting debate on this section. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. In accordance with the understanding just reached, Mr. Chairman, I move that the committee do now rise.

Mr. COOPER of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Ohio. I have an amendment at the Clerk's desk. What will be the status of that amendment?

The CHAIRMAN. The amendment offered by the gentleman from Ohio has not yet been reported. It can be offered to-morrow when the House is in the Committee of the Whole. The question is on the motion of the gentleman from Washington that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate bill 5094, making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, and had come to no resolution thereon.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on to-morrow it may be in order to continue the consideration of Senate bill 5094, which has been under consideration in the Committee of the Whole to-day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-morrow it shall be in order to consider Senate bill 5094. Is there objection?

Mr. GARRETT of Tennessee. Under the rule?

The SPEAKER. Under the rule; yes. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. NORTON, for an indefinite period, on account of illness.

BATTLE FIELDS AT BRICES CROSS ROADS AND TUPELO, MISS.—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., for printing under the rule.

CONSTRUCTION AT THE MILITARY ACADEMY—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y., for printing under the rule.

MORRIS FOX CHERRY—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 12538) for the benefit of Morris Fox Cherry, for printing under the rule.

DEFINITION OF THE TERMS "CHILD" AND "CHILDREN"—CONFERENCE REPORT

Mr. MORIN. Mr. Speaker, I present a conference report on the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, for printing under the rule.

THE CONGRESSIONAL CEMETERY

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon a bill which I have introduced in the House and which has been favorably reported by the Committee on Military Affairs, a bill relating to the Congressional Cemetery, and I desire to include in that extension certain data included in the report of the hearings about this cemetery.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks on a bill introduced by himself. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, the Military Affairs Committee has reported unanimously H. R. 11916, a bill introduced by me for the care and preservation of certain lands and monuments in the Congressional Cemetery.

This historic cemetery, in which many of the Nation's heroes and great men are buried, has been allowed to lapse into decay and the monuments and gravestones to deteriorate for the want of proper care and protection. A large part of this cemetery is Government-owned ground. The Government cared for the same for quite a while, but for many years no care has been given it.

The bill introduced by me and recommended by the Military Affairs Committee puts the care of that part of the cemetery owned by the Government under the supervision of the War Department.

In the hearings before the committee certain historical data concerning the Congressional Cemetery were produced, and under the permission granted me I am having the same inserted in my remarks. I am also including certain letters and other data showing the patriotic organizations which favor this bill, which were also placed in the hearings.

The Sons of the American Revolution submitted to me for the committee the following data:

1. The remains of Jacob Gideon, a Revolutionary soldier, lie in Congressional Cemetery. He is of special interest also because two of his descendants, Philip F. and John B. Larner, are members of the Columbia Historical Society and the Sons of the American Revolution. Jacob Gideon was a trumpeter and private in the Pennsylvania Militia. His name also appears in the index of Eckenrode's Virginia Archives. The inscription on his monument, a marble slab, reads:

"In memory of Jacob Gideon, a soldier of the Revolution; died March 3, 1841, aged 87 years."

In the National Intelligencer of March 5, 1841, appeared the following notice:

"Died in this city on Wednesday evening, the 3d instant, Mr. Jacob Gideon, sr., a soldier of the Revolution, aged 87 years. His friends and acquaintances and those of his son, Jacob Gideon, jr., are requested to attend his funeral this morning, Friday, at 11 o'clock, from the residence of his son, on Seventh Street between E and F Streets."

2. Capt. Hugh George Campbell: The actual Revolutionary services of this Hugh George Campbell are somewhat shrouded. His name does not appear in any of the indexes of the South Carolina archives. It is, however, an indubitable fact, obtained from the current literature of his later life, that the inscription on his monument states the historical truth. The inscription reads as follows:

"Beneath this marble rest the mortal remains of Hugh George Campbell, late a captain in the Navy of the United States. He was a native of the State of South Carolina. In the year 1775 he entered as a volunteer on board the first vessel of the war commissioned by the council of his native State. He served his country upward of 22 years as a comrade and died in this city on the 11th day of November, 1820, aged about 62 years."

"Calahan, in Officers of the Navy, 1775 to 1800, has this entry:

"'Hugh George Campbell appointed commander 27 July, 1799, captain 16 October, 1800.'"

3. In the Congressional Cemetery lie the remains of Hon. Elbridge Gerry, who was gathered unto his fathers in Washington during his second year as Vice President, on November 23, 1814. The military services of Gerry are noted by Heitman. It is proper also to record that he was born at Marblehead, Mass., July 17, 1744, graduated at Harvard, and became a member of the Continental Congress of 1776. He was also a member of the First National Congress of 1789 and was one of the envoys sent to establish relations with France in 1797. He was elected Governor of Massachusetts in 1810 and Vice President of the United States in 1812. His grave is covered with a handsome monument which was erected by an act of Congress in 1823.

4. At this point it will be well to record that Gen. George Clinton was originally interred in Congressional Cemetery, where he remained until a few years ago, when his body was transferred to New York with considerable ceremony.

5. Gen. James Jackson, one of the most distinguished Georgians, reposes in Congressional Cemetery. His enviable military record is to be found in Heitman, and more extensively, together with his civil life, in The National Portrait Gallery. He was Governor of Georgia, and United States Senator from 1801 to March, 1806. He passed away on the 19th day of March, of that year, and was interred, the Portrait Gallery states, "Four miles from Washington," which was, in fact, Rock Creek Churchyard. He was reinterred in Congressional Cemetery under one of those quaint cenotaphs. A Revolutionary War, D. A. R. marker stands on his grave and the last phrase of the inscription on his tomb is "a soldier of the Revolution."

6. Senator Uriah Tracey, of Connecticut: Connecticut Men in the Revolution lists the name of Uriah Tracey in a company that marched from sundry places for the relief of Boston, etc., in the Lexington alarm, 1775, and were formed into an independent and ranging company at Roxbury. The military services of Senator Tracey were of a clerical nature for a short period. There is nothing on his grave to permanently record his army connection. He was the first Congressman to be interred in Congressional Cemetery. This occurred July 19, 1807, by exhumation from Rock Creek.

7. Gen. Thomas Blount, a Representative from North Carolina, was born in Edgecomb County, May 10, 1759, and at the age of 16 entered the Revolutionary Army. In 1780 he became a deputy paymaster

general, and was a major commanding a battalion of North Carolina Militia at the Battle of Eutaw Springs. The congressional biography ranks him a major general of militia. He enjoyed a long congressional career, passing away while a Member February 7, 1812. There is no inscription on his monument of patriot service.

8. Hon. Levi Casey, of South Carolina, served in the Revolutionary War as a brigadier general of militia. He was born in South Carolina in 1749, and died in Washington February 1, 1807. Evidence seems to show that his ashes were placed in Congressional Cemetery by reinterment August 1, 1832. His gravestone contains no patriot inscription.

9. The Pennsylvania muster rolls record Henry Black as a private, York County Militia; corporal, Cumberland County Militia; and captain, Bedford County Militia. He was a Member of Congress from Somerset, Pa. This patriot passed away November 28, 1841, but evidently was reinterred in Congressional Cemetery June, 1842. There is no Revolutionary marker.

10. Col. James Morrison, of Lexington, Ky., died in Washington, D. C., April 23, 1823. He was a native of Pennsylvania, and Heitman registers him as an ensign, Eighth Pennsylvania, from 21st of December, 1778, until he retired January 1, 1781. Colonel Morrison settled in Lexington, Ky., in 1792, and became a man of great wealth and founder of Morrison College in Lexington. He was State representative from Fayette and quartermaster general. The only record on his monument of military service is the title "colonel."

11. Dr. Elisha Harrison's remains also repose in Congressional Cemetery. His name is found in the Maryland archives and also in Heitman's, where he is recorded as enlisting in the Fourth Maryland the 15th of October, 1781, and retired 1st of January, 1783. The doctor entered into rest August 26, 1819, aged 59. The site of his original interment is not known, but he was transferred to Congressional Cemetery April, 1823. Part of the chiseling on his monument reads as follows: "A native of Maryland and surgeon in the Revolutionary War."

12. "Maj. John Kinney, of New Jersey, an officer in the Army of the Revolution, died in this city July 17, 1832, aged 75 years," is cut in another monument in Congressional Cemetery. John Kinney's name as an ensign, New Jersey Line, is found in United States Pension Roll, page 514. Heitman gives him a splendid record for three years' service.

13. James Gillespie, a Member of Congress from North Carolina, passed away January 11, 1805. His patriot record includes membership in the State house of commons 1779–1783. The ashes of this distinguished man were transferred to Congressional Cemetery from the old Presbyterian Cemetery April 14, 1892, and now lie under a marble monument just south of the superintendent's residence. The only inscription is "James Gillespie, North Carolina, died January 11, 1805."

14. H. Brockholst Livingston was born in New York City November 26, 1757, and died in the District of Columbia March 19, 1823. He entered the Revolutionary Army with the grade of captain and won the rank of lieutenant colonel. Colonel Livingston became also an eminent diplomat and jurist, being a Justice of the United States Supreme Court.

The body of Hon. James Jones, of Georgia, rests in Congressional Cemetery. There was a James Jones in Georgia who was a prominent civil patriot, but it has not been possible to make identification. Representative Jones may have been this Georgia State assemblyman, but some facts of residence seem to indicate that he was not.

The remains of Tobias Lear, the private secretary of George Washington and foreign emissary, repose in Congressional Cemetery. Some reports include Lear as worthy of Revolutionary honors. He came of a patriot family, and a "Tobias Lear" signed a petition to the State committee of safety from Portsmouth, N. H., May 5, 1777. Reliable biographies give the date of his birth September 19, 1792, and this would make his age such as to cast doubt on his signing the petition. The signature is probably that of his father, Capt. Tobias Lear, sr. The career of Tobias Lear, jr., seems to have begun after he was graduated from Harvard in 1783.

A letter from the National Society of the Daughters of the American Revolution favoring the bill:

NATIONAL SOCIETY, DAUGHTERS
OF THE AMERICAN REVOLUTION,
Washington, D. C., April 24, 1928.

MY DEAR MR. ABERNETHY: It is said that in the Congressional Cemetery, established in 1807, in Washington, D. C., more patriots whose names are linked with our early history are buried than in any other single cemetery in the country. Two Vice Presidents of the United States, one of them a signer of the Declaration of Independence, are interred there. Private soldiers and those in high command of the Continental Army sleep side by side in the democracy of death.

Within this historic setting, the United States Congress of that day selected Christ Church burying ground (known as the Congressional Cemetery) as the resting place for Senators and Representatives who should die in office. Up to 1835 this custom prevailed.

There, weather stained and moss covered, stand the quaint congressional cenotaphs erected by a grateful country in honor of these early Americans.

It is entirely fitting and proper that these cenotaphs, now crumbling in ruin, should be restored and preserved by act of the Congress of to-day.

Therefore I, as president general of the National Society, Daughters of the American Revolution, heartily indorse and urge the passage of the bill now before the Congress for the preservation of these early memorials to our patriot dead.

The preservation of these memorials is strictly in line with the objects of our society: "To perpetuate the memory and spirit of the men and women who achieved American independence by the acquisition and protection of historic spots and the erection of monuments." Such monuments will inspire the youth of to-day to emulate their ancestors and to live up to their ideals by sustaining our institutions of Government which have so long endured.

Very sincerely yours,

GRACE H. BROSSEAU
(Mrs. Alfred J. Brosseau),
President General,
National Society Daughters of the American Revolution.

The War Department for the committee furnished certain data concerning this Congressional Cemetery which I print in part, as I am sure it will be most interesting to the Congress and to many people in the country at large:

In compliance with instructions contained in your memorandum dated May 23, 1928, an investigation has been made of the land and monuments owned by the Government in the Congressional Cemetery which would be turned over to the Secretary of War for care and preservation if H. R. 11916 is enacted into law. The following are the facts according to the best information that could be obtained:

1. Ownership of cemetery: The cemetery is owned by the Vestry of Christ Church, Washington Parish, G Street between Sixth and Seventh Street SE., Washington, D. C. It is an active cemetery with the remains of about 60,000 people buried there and about 9,000 available grave sites.

2. Government-owned lands: See map attached as Exhibit A.

3. Burials: Attached hereto as Exhibit B is a list of the persons who are now or who apparently have at some time been buried in Government-owned lots.

A study of this list shows that the grave sites in ranges 24, 25, 29, 30, 31, 54, 56, 57, 59, and 60 are occupied by the graves of 87 Members of Congress and other high Government officials and distinguished personages who were evidently buried in this cemetery by the authority of Congress. In these ranges are also 96 cenotaphs which were erected to the memory of persons whose remains have either been removed from the cemetery for burial elsewhere or who were never buried in this cemetery. It appears to have been the practice at one time to erect cenotaphs to the memory of distinguished persons regardless of whether or not they were actually buried in the Congressional Cemetery.

The grave sites in ranges 61 and 62 are vacant and the cemetery records do not show that any burials have ever been made therein.

In ranges 97 and 98 are buried the remains of 21 employees who were killed in an explosion at the Washington Arsenal, now the Army War College, in June, 1864.

In ranges 147, 148, and 149 are buried the remains of 99 sailors and marines.

4. Monuments: An inspection of the cemetery shows that there are 270 monuments of which 96 are Government headstones, 164 are cenotaphs, and 10 are ordinary monuments.

In that portion of the cemetery which was reserved for the burial of Members of Congress and other high Government officials and distinguished personages the monuments are all of the cenotaph type except 9, which are ordinary monuments. These cenotaphs are made of Aquia Creek stone, a soft sandstone, which is rapidly deteriorating, and many of them are in a dilapidated condition. (See photographs attached as Exhibit C.) This stone is very much inferior to the Aquia Creek stone that is cut at present owing to the fact that at the time of cutting existing cenotaphs modern machinery was not known and only the soft grade was used so that it could be cut by hand. The present grade of Aquia Creek stone is much harder and has a better surface for carving. For monumental purposes it can not be compared with marble or granite and the cost is about one-half that of granite. The condition of these cenotaphs is such as to make the preparation of an estimate for their repair a very difficult matter. On many of them the dies are broken and disintegrated. Others have bases or caps broken, and in some instances the foundations have settled resulting in damage to stones and throwing them out of alignment. An examination of these cenotaphs shows the following conditions:

Foundations defective	27
Sub-bases broken or disintegrated	48
Bases broken or disintegrated	35
Dies broken or disintegrated	43
Inscriptions completely obliterated	11
Caps broken or disintegrated	10

It is estimated that 48 of these cenotaphs could not be repaired, and if it is desired to replace them with similar stones of Aquia Creek stone

the cost will be approximately $575 each, or a total cost of $27,600. Of the remaining 116 cenotaphs many have holes, broken corners, and other defects which can be repaired with cement at an estimated cost of $4 each, or a total cost of $468, but such repairs will be of only temporary benefit, since the nature of this stone is such that it will be only a few years before many of the 116 now in fair condition will crumble and need to be replaced.

These cenotaphs are most unattractive in appearance and any attempt made to repair them or to replace those which are broken and disintegrated with similar cenotaphs of like design will not improve the condition to any great extent. A much better solution of the problem would be to remove all the cenotaphs and to erect suitable granite or marble monuments to mark the graves of those who are now actually buried in the cemetery. The advisability of reerecting monuments to those persons who are not buried in the cemetery is a matter which should be determined by Congress.

In addition to the cenotaphs requiring repairs a marble monument on range 29, erected to Hugh George Campbell, was found to be in very bad condition. Defective foundation has caused this monument to settle and become out of plumb. The marble veneer of the die is broken and unless repairs are made soon the monument will fall apart. It is estimated that repairing the monument and preparing a suitable foundation will cost $350. The other monuments are in fair condition and do not need special repairs.

In range 97 is a monument erected to the memory of those who were killed in an explosion at the Washington Arsenal in June, 1864.

The monuments erected in ranges 147, 148, and 149 are Government headstones.

5. Military persons buried in private plots: The superintendent of the cemetery states that there are approximately 600 of such burials. It is practically impossible to get accurate information on this subject due to the fact that the cemeterial records which extend back for a period of over 100 years do not show it. The same is true of monuments erected by the Government on private plots. The cemetery records do not show any such monuments.

6. Cost of maintenance: The Government does not contribute toward the maintenance of these lots. The question of perpetual care or annual cost of maintenance was taken up with one of the vestrymen of Christ Church, but no information on this subject could be obtained until after a meeting is held early in December. The condition of the lots owned by the Government is practically the same as that of the other lots in the cemetery. To put the Government-owned lots in good condition will not be a very great task. A few loads of soil and sod with the labor of two men for 30 days should put the entire area in such condition that it could be easily maintained in good condition thereafter. It is estimated that this could be done for $420. If these lots are to be maintained by the Government, it is estimated that they could be maintained in good condition by one laborer at $1,200 per year and approximately $100 per year for supplies.

It is probable that satisfactory arrangements could be made with the Congressional Cemetery to maintain these lots in good condition at a reasonable charge.

7. Summary: The following table summarizes the information obtained. It shows the Government-owned lots, the number of burials, and character of service, whether military or nonmilitary, whether graves are occupied or unoccupied, the kind of monument erected, and the number of graves that are unmarked.

Government owned		Burials		Graves occupied	Bodies removed	Monument	Kind of monument		
Range	Lots	Military	Nonmilitary				Cenotaph	Headstone	Unmarked
24	4		2	2			2		
25	8	3	2	5			2		3
29	62	1	24	22	3	2	23		
30	35		13	11	2	1	11		1
31	32		11	9	2	2	9		
54	51		17	10	7		17		
55	51		17	11	6		17		
56	51		17	6	11		17		
57	51		17		17		17		
59	67		22	2	20	2	20		
60	104		31	3	28	2	29		
61	145								
62	145								
97	5		21	21		1			
98	5								
147	23	23		23				20	3
148	38	38		38				38	
149	38	38		38				38	
Total	915	103	194	201	96	10	164	96	7

A table has been prepared by the War Department showing the names of those buried in the cemetery and whether they are military or nonmilitary, and whether the bodies have been removed:

No. of range	No. of site	Name of decedent (if known)	Occupied (yes or no)	Military or nonmilitary, if known	Monument or cenotaph
24	1, 2	Hon. Uriah Tracy	Yes	Nonmilitary	Cenotaph.
	3, 4	Hon. Ezra Darby	Yes	do	Do.
25	1, 2	Hon. Francis Malbone	Yes	do	Do.
	3, 4	Whitting	Yes		
	5	Captain	Yes	Military	
	6	do	Yes	do	
	7, 8	Hon. Thomas Blount	Yes	Nonmilitary	Do.
29	9, 10, 11, 12	Vice President Elbridge Gerry.	Yes	do	Monument.
	13, 14	Hon. Elijah Brigham	Yes	do	Cenotaph.
	15, 16	Hon. Richard Stanford	Yes	do	Do.
	20, 21	Hon. George Munford	Yes	do	Do.
	22	Hon. David Walker	Yes	do	Do.
	26, 27	Commander Hugh G. Campbell.	Yes	Military	Monument.
	28, 29	Hon. Nathaniel Hazard	Yes	Nonmilitary	Cenotaph.
	30, 31	Hon. Jesse Slocum	Yes	do	Do.
	32, 33	Hon. James Burwell	Yes	do	Do.
	34, 35	Hon. W. A. Trimble	Yes	do	Do.
	36, 37	Hon. Wm. Pinkney	Yes	do	Do.
	38, 39	Hon. Wm. Ball	Yes	do	Do.
	40, 41	Hon. John Gaillard	Yes	do	Do.
	42, 43	Hon. Christopher Rankin	Yes	do	Do.
29	44, 45	Hon. Alexander Smyth	Yes	do	Do.
	46, 47	Hon. James Noble	Yes	do	Do.
	48, 49	Hon. Chas. Johnson	Yes	do	Do.
	50, 51, 52, 53	Hon. Jonathan Hunt	No	do	Do.
	54, 55, 56	Hon. George Mitchell	Yes	do	Do.
	57, 58, 59	Hon. James Jones	Yes	Military	Do.
	60, 61, 62	Hon. James Jackson	Yes	Nonmilitary	Do.
	63, 64, 65	Hon. Levi Casey	Yes	do	Do.
	66, 67, 68	Hon. Philip Dodridge	Yes	do	Do.
	69, 70, 71	Hon. James Lent	No	do	Do.
	72, 73	Hon. T. T. Boulding	No	do	Do.
30	9, 10	Hon. John Smilie	Yes	do	Do.
	11, 12	Hon. John Dawson	Yes	do	Do.
	13, 14	Hon. Samuel A. Otis	Yes	do	Monument.
	15, 16, 17	Troup of Georgia U. S	Yes	Military	Do.
	48, 49, 50	Hon. Hedge Thompson	Yes	Nonmilitary	Cenotaph.
	51, 52, 53	Hon. T. D. Singleton	Yes	do	Do.
	54, 55, 56	Hon. T. J. Carter	Yes	do	Do.
	57, 58, 59	Hon. Isaac McKim	Yes	do	Do.
	60, 61, 62	Hon. Jonathan Cilley	No	do	Do.
	63, 64, 65	Hon. Nathan Smith	No	do	Do.
	66, 67, 68	Hon. Warren Davis	Yes	do	Do.
	69, 70, 71	Hon. Littleton Dennis	Yes	do	Do.
	72, 73	Hon. James Blair	Yes	do	Do.
31	32, 33, 34	Frederick Grenham	Yes	do	Monument.
	41, 42	Fush-ma-ta-ha	Yes	do	Do.
	47, 48, 49	Hon. Thos. Bland	Yes	do	Cenotaph.
	50, 51, 52	Hon. Geo. Holcombe	Yes	do	Do.
	53, 54, 55	Hon. Joab Lawler	Yes	do	Do.
	56, 57, 58	Hon. Naisworthy Hunter	Yes	do	Do.
	59, 60, 61	Hon. James Gillespie	Yes	do	Do.
	62, 63, 64	Hon. I. McLene	Yes	do	Do.
	65, 66, 67	Hon. J. R. Manning	Yes	do	Do.
	68, 69, 70	Hon. Z. Weldman	No	do	Do.
	71, 72, 73	Hon. E. K. Kane	No	do	Do.
54	101, 102, 103	John Q. Adams	No	do	Do.
	104, 105, 106	Hon. J. W. Hornbeck	Yes	do	Do.
	107, 108, 109	Hon. John Fairfield	Yes	do	Do.
	110, 111, 112	Hon. I. S. Pennybacker	No	do	Do.
	113, 114, 115	Hon. R. P. Herrick	No	do	Do.
	116, 117, 118	Hon. Henry Frick	Yes	do	Do.
	119, 120, 121	Hon. Wm. Taylor	Yes	do	Do.
	122, 123, 124	Hon. Peter Bossier	No	do	Do.
	125, 126, 127	Hon. S. G. Wright	Yes	do	Do.
	128, 129, 130	Hon. John Miller	No	do	Do.
	131, 132, 133	Hon. Albert G. Harrison	Yes	do	Do.
	134, 135, 136	Hon. J. W. Williams	Yes	do	Do.
	137, 138, 139	Hon. R. W. Habersham	No	do	Do.
	153, 154, 155	Hon. Benj. Thompson	Yes	do	Do.
	156, 157, 158	Hon. Alexander H. Buell	Yes	do	Do.
	159, 160, 161	Hon. Orin Fowler	No	do	Do.
	162, 163, 164	Hon. Charles Andrews	Yes	do	Do.
55	101, 102, 103	Hon. J. F. Harper	Yes	do	Do.
	104, 105, 106	Hon. James A. Black	Yes	do	Do.
	107, 108, 109	Hon. Edw. Bradley	Yes	do	Do.
	110, 111, 112	Hon. Geo. C. Dromgoole	Yes	do	Do.
	113, 114, 115	Hon. Felix G. McConnell	Yes	do	Do.
	116, 117, 118	Hon. John B. Dawson	Yes	do	Do.
	119, 120, 121	Hon. Joseph H. Peyton	Yes	do	Do.
	122, 123, 124	Hon. Herman A. Moore	No	do	Do.
	125, 126, 127	Hon. Barker Burnell	No	do	Do.
	128, 129, 130	Hon. Wm. Loundes	Yes	do	Do.
	131, 132, 133	Hon. Wm. Potter	Yes	do	Do.
	134, 135, 136	Hon. Davis Dimock	No	do	Do.
	137, 138, 139	Hon. Nathan Dixon	Yes	do	Do.
	153, 154, 155	Hon. Henry Ness	No	do	Do.
	156, 157, 158	Hon. I. M. Harmanson	No	do	Do.
	159, 160, 161	Hon. Dan P. King	No	do	Do.
	162, 163, 164	Hon. Wm. Upham	Yes	do	Do.
	101, 102, 103	Hon. W. A. Burwell	Yes	do	Do.
	104, 105, 106	Hon. Daniel Heister	Yes	do	Do.
	107, 108, 109	Hon. Thomas Hartley	No	do	Do.
	110, 111, 112	Hon. Gabriel Holmes	No	do	Do.
	113, 114, 115	Hon. Charles Slade	No	do	Do.
	116, 117, 118	Hon. Henry Wilson	No	do	Do.
	119, 120, 121	Hon. B. F. Deming	No	do	Do.
56	122, 123, 124	Hon. John Coffee	No	do	Do.
	125, 126, 127	Hon. Henry Black	Yes	do	Do.
	128, 129, 130	Hon. Charles Ogle	Yes	do	Do.
	131, 132, 133	Hon. Lewis Williams	No	do	Do.
	134, 135, 136	Hon. W. S. Ramsey	No	do	Do.
	137, 138, 139	Hon. Jos. Lawrence	Yes	do	Do.

No. of range	No. of site	Name of decedent (if known)	Occupied (yes or no)	Military or nonmilitary, if known	Monument or cenotaph
56	153, 154, 155	Hon. Alex. D. Sims	No	Nonmilitary	Cenotaph.
	156, 157, 158	Hon. Thomas L. Hammer	No	do	Do.
	159, 160, 161	Hon. D. S. Kaufman	Yes	do	Do.
	162, 163, 164	Hon. A. E. Wood	No	do	Do.
57	101, 102, 103	Hon. Patrick Farrelly	No	do	Do.
	104, 105, 106	Hon. John Linn	No	do	Do.
	107, 108, 109	Hon. Jacob Crowninshield	No	do	Do.
	110, 111, 112	Hon. Peterson Goodwin	No	do	Do.
	113, 114, 115	Hon. Thadeus Betts	No	do	Do.
	116, 117, 118	Hon. Nathan Bryan	No	do	Do.
	119, 120, 121	Hon. David Dickson	No	do	Do.
	122, 123, 124	Hon. R. P. Henry	No	do	Do.
	125, 126, 127	Hon. Geo. N. Kinnard	No	do	Do.
	128, 129, 130	Hon. James Johnson	No	do	Do.
	131, 132, 133	Hon. Wm. S. Hastings	No	do	Do.
	134, 135, 136	Hon. Simon H. Anderson	No	do	Do.
	137, 138, 139	Hon. Anson Brown	No	do	Do.
	140, 141, 142	Hon. James C. Alvord	No	do	Do.
	153, 154, 155	Hon. John M. Holley	No	do	Do.
	156, 157, 158	Hon. R. Dickinson	No	do	Do.
	162, 163, 164	Hon. Chester Butler	No	do	Do.
59	47, 48	Vacant			
	84, 85, 86	Hon. Wm. N. Roach	Yes	Nonmilitary	Monument.
	87, 88, 89	Page from House of Representatives (Lucien R. Davidson).	Yes	do	Do.
	90, 91, 92	Hon. H. Hoag	No	do	Cenotaph.
	93, 94, 95	Thos. E. Noel	No	do	Do.
	96, 97, 98	Hon. Cornelius Hamilton	No	do	Do.
	101, 102, 103	Hon. David Heaton	No	do	Do.
	104, 105, 106	Hon. Benj. Hopkins	No	do	Do.
	107, 108, 109	Hon. Jos. Hinds	No	do	Do.
	110, 111, 112	Hon. Thad. Stephens	No	do	Do.
	113, 114, 115	Hon. Elijah Hise	No	do	Do.
	116, 117, 118	Hon. Darwin A. Finney	No	do	Do.
	119, 120, 121	Hon. Chas. Dennison	No	do	Do.
	122, 123, 124	Hon. Philip Johnson	No	do	Do.
	125, 126, 127	Hon. Henry Grider	No	do	Do.
	128, 129, 130	Hon. Jos. Humphrey	No	do	Do.
	131, 132, 133	Hon. Orlando Kellogg	No	do	Do.
	134, 135, 136	Hon. Owen Lovejoy	No	do	Do.
	137, 138, 139	Hon. John Noell	No	do	Do.
	140, 141, 142	Hon. Luther Houchett	No	do	Do.
	143, 144, 145	Hon. Goldsmith Bailey	No	do	Do.
	146, 147, 148	Hon. Thos. Cooper	No	do	Do.
	149, 150	Hon. Geo. Scranton	No	do	Do.
60	47, 48, 49, 50, 51, 52, 53, 54, 55, 56	Vacant			
	57, 58, 59	Hon. John Gillespie	Yes	Nonmilitary	Monument.
	60, 61, 62	Hon. Lemuel Bowden	Yes	do	Do.
	63, 64, 65	No name on cenotaph	No		Cenotaph.
	66, 67, 68	Hon. Silas Burroughs	No	Nonmilitary	Do.
	69, 70, 71	Hon. Wm. O. Goode	No	do	Do.
	72, 73, 74	Hon. John Schwartz	No	do	Do.
	75, 76, 77	Hon. Cyrus Spinck	No	do	Do.
	78, 79, 80	Hon. T. L. Harris	No	do	Do.
	81, 82, 83	Hon. John A. Quitman	No	do	Do.
	84, 85, 86	Hon. Andrew P. Butler	No	do	Do.
	87, 88, 89	Hon. Moses Norris	No	do	Do.
	90, 91, 92	Hon. I. Pinckney Henderson.	Yes	do	Do.
	93, 94, 95	Hon. Thos. I. Rusk	No	do	Do.
	96, 97, 98	Hon. Josiah I. Evans	No	do	Do.
	101, 102, 103	Hon. James Bell	No	do	Do.
	104, 105, 106	Hon. Samuel Brenton	No	do	Do.
	107, 108, 109	Hon. James Lockhart	No	do	Do.
	110, 111, 112	Hon. John G. Montgomery	No	do	Do.
	113, 114, 115	Hon. John G. Miller	No	do	Do.
	116, 117, 118	Hon. Preston S. Brooks	No	do	Do.
	119, 120, 121	Hon. Sampson W. Harris	No	do	Do.
	122, 123, 124	Hon. Thos. H. Bailey	No	do	Do.
	125, 126, 127	Hon. James Meacham	No	do	Do.
	128, 129, 130	Hon. Presley Ewing	No	do	Do.
	131, 132, 133	Hon. John F. Snodgrass	No	do	Do.
	134, 135, 136	Hon. Henry A. Muelenburg	No	do	Do.
	137, 138, 139	Hon. Brookins Campbell	No	do	Do.
	140, 141, 142	Hon. Robt. Rantoul	No	do	Do.
	143, 144, 145	Hon. Chester Ashley	No	do	Do.
	146, 147, 148	Hon. John C. Calhoun	No	do	Do.
	149, 150, 151	Hon. Henry Clay	No	do	Do.
	152	Vacant			
61	7-152	do			
62	7-152	do			
97	142, 143, 144, 145, 146	For the burial of those killed at the arsenal by an explosion June, 1864.	Yes	Nonmilitary	Do.
98	142, 143, 144, 145, 146	do	Yes	do	Do.
147	221	Thos. Duncan, U. S. Navy	Yes	Military	Government headstone.
	237	Daniel Morgan, Marine Corps.	Yes	do	No monument.
	238	Albert Conrey, Marine Corps.	Yes	do	Government headstone.
	239	Thaddeus F. Small, Marine Corps.	Yes	do	Do.
	240	Jno. W. Edwards, Marine Corps.	Yes	do	Do.
	241	Peter Puceta, Marine Corps	Yes	do	Do.
	242	Richard Ford, Marine Corps.	Yes	do	Do.
	243	Bernard P. Smith, Marine Corps.	Yes	do	Do.
	244	Fred B. Pervee, Marine Corps.	Yes	do	Do.
147	245	Walter P. Buck, Marine Corps.	Yes	Military	Government headstone.
	246	Samuel Eopolucci, Marine Corps.	Nes	do	Do.
	247	John Leahy, Marine Corps.	Yes	do	Do.
	248	Jos. E. Dudley, Marine Corps.	Yes	do	Do.
	249	Budrow Leonard, Navy	Yes	do	Do.
	250	Jno. W. Green, Marine Corps.	Yes	do	Do.
	251	Wm. Van Schekke, Marine Corps.	Yes	do	Do.
	252	Wm. H. Oakes, Marine Corps.	Yes	do	Do.
	253	Wm. H. Gilbert, Marine Corps.	Yes	do	Do.
	254	Philip Burch, Marine Corps.	Yes	do	Do.
	255	Thos. J. Sothern, Marine Corps.	Yes	do	Do.
	256	Samuel I. Boyd, Marine Corps.	Yes	do	Do.
	257	Chas. Ardell, Navy	Yes	do	No stone.
	258	Col. E. A. McHenry	Yes	do	Do.
148	221	Edward J. Dougherty, Marine Corps.	Yes	do	Government headstone.
	222	Herbert J. Clute, Navy	Yes	do	Do.
	223	Thomas S. Gray, Navy	Yes	do	Do.
	224	Ole Nelson, Navy	Yes	do	Do.
	225	Walter G. Hall, Navy	Yes	do	Do.
	226	James A. Moore, Navy	Yes	do	Do.
	227	Patrick McKeon, Navy	Yes	do	Do.
	228	George Weibert, Navy	Yes	do	Do.
	229	J. Herman Werner, Marine Corps.	Yes	do	Do.
	230	J. E. Madden, Navy	Yes	do	Do.
	231	Edward Engler, Navy	Yes	do	Do.
	232	Bernard Reilly, Marine Corps.	Yes	do	Do.
	233	James Henry, Marine Corps	Yes	do	Do.
	234	William Robertson, Marine Corps.	Yes	do	Do.
	235	Wellington Lindsey, Navy	Yes	do	Do.
	236	Daniel Burnes, Navy	Yes	do	Do.
	237	John Grover, Navy	Yes	do	Do.
	238	Michael O'Brien, Marine Corps.	Yes	do	Do.
	239	Geo. Magee, Navy	Yes	do	Do.
	240	Adam W. Branner, Navy	Yes	do	Do.
	241	William Murphy, Navy	Yes	do	Do.
	242	Chas. C. Sharp, Marine Corps.	Yes	do	Do.
	243	Aaron W. Almsley, Marine Corps.	Yes	do	Do.
	244	John Ollans, Navy	Yes	do	Do.
	245	Wm. Borthwell, Navy	Yes	do	Do.
	246	Arthur H. Douglass, Marine Corps.	Yes	do	Do.
	247	Peter B. Liner, Navy	Yes	do	Do.
	248	Charles Penn, Marine Corps.	Yes	do	Do.
	249	H. Oachman, Marine Corps.	Yes	do	Do.
	250	Wm. Hack, Marine Corps.	Yes	do	Do.
	251	Joseph Meekins, Marine Corps.	Yes	do	Do.
	252	Peter Fortune, Marine Corps.	Yes	do	Do.
	253	M. Dee, Navy	Yes	do	Do.
	254	Joseph Neill, Marine Corps.	Yes	do	Do.
	255	Patrick Maloy, Navy	Yes	do	Do.
	256	Wm. Halferd, Navy	Yes	do	Do.
	257	Hugh McCleary, Marine Corps.	Yes	do	Do.
	258	Geo. Lowe, Navy	Yes	do	Do.
149	221	Wm. Richard Davis, Navy	Yes	do	Do.
	222	Andres B. Roberts, Navy	Yes	do	Do.
	223	John Vaughn, Marine Corps	Yes	do	Do.
	224	Josiah Packard, Marine Corps.	Yes	do	Do.
	225	John Lyons, Marine Corps.	Yes	do	Do.
	226	Alfred Wallace, Navy	Yes	do	Do.
	227	Wm. Sadler, Marine Corps.	Yes	do	Do.
	228	Wm. Webb, Navy	Yes	do	Do.
	229	Henry B. Hunter, Marine Corps.	Yes	do	Do.
	230	Edwin W. Conover, Marine Corps.	Yes	do	Do.
	231	Frank Moran, Marine Corps.	Yes	do	Do.
	232	Daniel Murphy, Marine Corps.	Yes	do	Do.
	233	John Riley, Marine Corps.	Yes	do	Do.
	234	Patrick McNabb, Marine Corps.	Yes	do	Do.
	235	George Hoffman, Marine Corps.	Yes	do	Do.
	236	Charles A. Mills, Marine Corps.	Yes	do	Do.
	237	Andres Cantley, Navy	Yes	do	Do.
	238	Wm. Saydan, Navy	Yes	do	Do.
	239	Edward Curtis, Navy	Yes	do	Do.
	240	Joseph Brown, Navy	Yes	do	Do.
	241	John A. Quigley, Marine Corps.	Yes	do	Do.
	242	Francis Norton, Navy	Yes	do	Do.
	243	Thomas Lee, Navy	Yes	do	Do.

No. of range	No. of site	Name of decedent (if known)	Occupied (yes or no)	Military or nonmilitary, if known	Monument or cenotaph
149	244	John James, Navy	Yes	Military	Government headstone.
	245	Christian C. Carey, Navy	Yes	do	Do.
	246	John N. Logue, Marine Corps, Navy.	Yes	do	Do.
	247	Henry F. Meyer, Navy	Yes	do	Do.
	248	John D. Scrivener, Marine Corps.	Yes	do	Do.
	249	Geo. W. Anderson, Navy	Yes	do	Do.
	250	Thomas Pratt, Navy	Yes	do	Do.
	251	Maurice Desmond, Navy	Yes	do	Do.
	252	Bernard Todd, Marine Corps.	Yes	do	Do.
	253	Michael Rooney, Marine Corps.	Yes	do	Do.
	254	Elisha Stevens, Navy	Yes	do	Do.
	255	Edward Cleveland, Navy	Yes	do	Do.
	256	John McCullen, Navy	Yes	do	Do.
	257	W. B. Shirley, Navy	Yes	do	Do.
	258	Thomas Stewart, Marine Corps.	Yes	do	Do.

SUMMARY

Total number sites occupied	190
Total number sites unoccupied	722
Total number grave sites owned by Government	912
Total number cenotaphs	164
Total number monuments and headstones	106

MOTION-PICTURE CENSORSHIP

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a speech delivered by me before the National Board of Review of Motion Pictures on the subject of motion-picture censorship.

The SPEAKER. The gentleman from New York asks unanimous consent to insert in the RECORD a speech delivered by him. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, it is to the credit of Congress that after thorough hearings on the Swope and Upshaw motion picture bills that the committee decided not to report either bill. We should have sent these bills to the Smithsonian Institute, bureau of medieval atrocities, as fine specimens of mental wracks and thumbscrews. Upshaw and Swope have passed off the political stage and a new joy killer has appeared in the bill of Congressman HUDSON, of Michigan. His bill is the deformed successor of the others, and is dying a beautiful death under the political anesthesia in our Committee on Interstate and Foreign Commerce.

The Federal Government, documented by the Constitution, was intended to combine our States and people against foreign aggression. The Constitution had an objective purpose. It was not to be considered to subjectively turn in on the individuals and the States and interfere with their rights and powers. It guaranteed freedom of speech and a free press. It was developed by men of heterogeneous stock and habits, not as a mold to standardize our people, but to weld them all as a unit against the outside world.

However, the reformers have seized upon the Constitution as the jawbone of an ass to smite the Philistines who believe that this is the land of the free. The arguments for censorship are largely based on the theory that the National Government is a sort of a hierarchy; that Americanism is a religion which denies the right of choice to the individual conscience and sets up a standard of morals in conformity with the notions of the political group in power The state was never supposed to be a church, nor was the church supposed to be the state. The state is not a preacher, nor is the church supposed to be a grand jury or a sheriff. We do not want a pulpit parliament in America. The rectitude that the church requires is of a much higher order than the rectitude the state requires for its purposes. The church has in mind the hereafter. The state is created for temporal purposes, such as protection from foreign invasion, advancement of commerce, science, and kindred activities. Particularly is this so of the United States, whose origin is due to the courageous men and women who fled from religious persecution and who wanted to live freely according to their ideas. Good Christian reformers are generally unconscious heretics, for they deny man a God-given conscience. In motion pictures they want to substitute their own artistic notions for the general intelligence and a Federal regulation for the free will of man.

The strange thing about the reformers who advocate motion-picture censorship is that they claim there is a crime wave due to the pictures, but when the same reformers argue for prohibition they insist that prohibition has eliminated crime. It is also a strange thing that when these reformers argue for prohibition they point out those States which have censorship are States which have great increase in crime. We had no crime wave before prohibition but we had motion pictures without censorship. As a matter of fact, records will show that the increase in crime wave is largely confined to the crime of highway robbery, and that there is no increase in the number of sexual crimes since the pictures, and that type of offense is generally charged by reformers as being caused by the pictures.

One of the chief arguments for censorship was that Russia has a national censorship proposition, but Canon Chase overlooks the fact that Russia is also an advocate of atheism. The reformers are highly upset because pictures sometimes show the evils of prohibition, and they want a censorship to stop such displays. Therefore you would have a national political body being able to censor pictures that might show to the American people views that would affect the administration politically. This is all opposed to our notions of free speech and of free press.

The great pictures that have been recently produced have been a powerful argument against a political censorship. The best answer to the reformers is in handsome edifices erected for the movies. Surely they are not monuments to indecency built by an indecent public; but if they were, they would be an improvement over the old dives and dens of vice. They have indicated that the box office itself is a strong and voluntary regulation of the picture production which has been in the interest of better moral atmosphere. Because some of those engaged in the picture production have been found guilty of moral dereliction is no reason for censorship. There have been men and women in all walks of life "caught with the goods," but that is no reason why their particular callings should require a national political censorship.

I venture to state that in the aggregate, the devotion to Venus, though surreptitious and collateral, is as great in the choir lofts as it is openly and notoriously in Hollywood. We have too many bureaus in Washington now interfering with life, liberty, and the pursuit of happiness, and nobody with any sanity on public questions will be in favor of this added bureaucratic despotism to engage in the field of morals. If we keep it up, we will not only have our morals regulated by Washington but there will be a guard of etiquette deputies and he who offends in his manners will be clapped into jail by a Federal agent. I believe that unregulated movies are giving better service than highly regulated public utilities. The reformers argue that the nations of the world have national censorships, but the United States, without national censorships and with but 7 per cent of the world's population, is furnishing 85 per cent of the world's films.

In all the censorship bills that undetermined quality known as sex appeal is recognized as a legal entry. The bills provide that there shall be no pictures with exaggerated sex appeal inasmuch as the acts do not set forth what is the exaggeration that must be construed with another act, to wit, the Volstead Act; and I take it that there shall not be allowed more than one-half of 1 per cent of sex appeal. Whether or not this is to be measured by weight or volume, I suppose is left to the censors. It is quite positive that brunettes will be permitted a greater allowance based on the blonde preferentials set forth in a classical scientific treatise on the subject.

If all the present city and State censorship boards can not satisfactorily excise the movies, what hope is there in a Federal board. If the movies increasingly vitiate under existing censorships, why create a Federal board unless to insure debauchery.

Any realistic picture of current life, must carry the impressions of revolt. Not the least read parts of the Old Testament are the unholy passages on Sodom and Gomorrah. All ages have carried their wanton and wastrels, and they force their capers on the art and panorama of their times.

Movie goers are generally given to moderation. Devotees of other entertainments more likely take part in excess. This is the age of excess; life has been speeded up; leisure has become attenuated, and consequently crammed with more intensive distractions. The high-strung go in for the periodical low lives.

Reformers are an unnatural and unhappy lot. The thin ones are ghastly and hatrackety and the fat ones are swampy and obscene. Just as they seem miscast in healthy environment, their mental protégé, censorship, is unrealistic. Art and man are better natural.

We seem due for a barrage of legislation from the artillery of reform from Bishop Cannon to Canon Chase. The boys tasted blood on election day and the whirlwind of the Lord is going into high. The ark of the constitutional covenant will be padlocked and the land of the free is to be put under injunction

by the high court of the Victorian conscience. The chancellor of the exchequer will pass the hat for the propagation of bigotry.

The movies will be the first victim for the operation of the intolerants. All else which gives joy in life had better prepare for the tomb.

The liberals should swing into action—save America for decency—issue a general "as you were" order. The war gave the individual an inferiority complex. The Government regulated the citizen as though he were a ward and not a voter. The reformers assumed guardianship at the end of the war. "As you were"—let everybody get back in his place and mind his own business. May America revive its old belief "In God we trust" and supplement it with the healthy philosophy of "Live and let live."

EXTENSION OF REMARKS—IMMIGRATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that all Members of the House may have unanimous consent to extend their remarks in the RECORD for six legislative days on the subject of immigration and related subjects.

Mr. NEWTON. Their own remarks?

Mr. JOHNSON of Washington. Their own remarks.

Mr. SABATH. For the present, Mr. Speaker, I feel compelled to object. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. EDWARDS. Mr. Speaker, ladies, and gentlemen, there is a growing interest in immigration legislation. There is a well-defined sentiment that is strong and general throughout the country that immigration should be rigidly restricted.

I voted several years back for the Burnett immigration bill, which was one of the best bills up to that time on the subject, and which has done more, perhaps, for restricted immigration than any act as yet put on the books. I have voted for every restriction measure that has been put before the House since I have been a Member of Congress.

It has been my observation that the restrictionists are generally in favor of prohibition enforcement as well as strict immigration law enforcement, while on the other hand the counter group in Congress known as the antirestrictionists generally vote wet on the prohibition issues, and oppose any attempt at immigration restriction. There is a reason for this. What is the reason? I am going to leave the matter right here and leave this question to be answered by those who wish to think it over and see if they can figure out the reason.

MEXICAN IMMIGRATION

Through the laws as they now stand, enacted by those of us who believe in restriction measures with respect to immigration, the situation is in better shape than it has ever been, except gross abuses are taking place on the Canadian and Mexican borders. Hordes of undesirable immigrants from Mexico are coming into the United States. I have seen it stated that anywhere from 65,000 to 100,000 Mexicans are annually coming over the border into this country. As a rule they are not the better or higher-type Mexicans, but generally of the less desirable type, and in many cases the criminal and diseased element. Something must be done to stop this. Every one of those Mexican peons who come into this country compete in labor of some kind with American labor. Their standard of living is so far below that of the American standard it is impossible for American labor to compete in low wages with these peons, and the result is that every year in the border and other States where this Mexican immigration is absorbed anywhere from 40,000 to 60,000 Americans are run out of employment by them.

TAKING JOBS FROM AMERICAN LABORERS

This is an army of Americans to lose their jobs annually to peon laborers. It is a great hardship and is unfair. It is a condition that ought to be corrected as quickly as it can be done. When matters of this kind arise and the question is asked why it has not been stopped the answer generally is "we have not had sufficient funds." I believe Congress is ready to vote any amount that may be necessary to stop this undesirable swarm of pauper labor from Mexico. They are not as good labor as the American laboring men; in fact, the latter is the finest labor in the world and the most efficient.

DO NOT UNDERSTAND AMERICAN IDEALS

This ignorant and undesirable element pouring into the United States from Mexico, not only do not understand American ideals, but many of them come into our country with hatred in their hearts for America and Americans. Of course, there are many who are of the higher and better type, but at present there is no way of keeping either class of Mexicans out, as there is no adequate protection on the border. Who is to blame for this? What political party is in power and control of this Government, and had control of it for the last eight years? What are you going to do about it? The American people want to know. It is not of concern to the border States alone, but it is of keen concern to all the States and all the people of the country. Not only are these Mexican immigrants in competition with our own laboring men but the products of this pauper labor, whether on the farm or in factories, are in competition with the products of American laboring men, and it is being felt in many lines.

We can not afford to let this situation remain as it is. Congress should pass the Box bill and such other restriction measures as will effectively shut off the influx of this pauper labor and these undesirable immigrants, and Congress should appropriate all the money, regardless of amount, it will take to make effective the laws we enact.

ALWAYS A FIGHT ON IMMIGRATION LEGISLATION

Every time a restriction measure of any kind affecting immigration comes up on the floor of the House or the Senate there is a vigorous fight put up by the antirestrictionists, and generally it is argued that it will do no good and will not restrict immigration. Then why a fight on every bill and every move that looks to more rigid restriction of immigration?

POPULATION RAPIDLY INCREASING

Our population is rapidly increasing and our industries are growing, although they are not as prosperous as they should be. It has been estimated that in the United States there is a birth every 12 seconds, a death every 24 seconds, and that an immigrant enters the United States approximately every 3 minutes. It is estimated that some one emigrates from the United States about every 12 minutes. Assuming that these figures are approximately correct, it will be observed our population is rapidly increasing both in birth rate and by immigration. These figures relate to the legally admitted immigrants and not to those who slip in, as is being done on the Mexican border and elsewhere.

MUST NOT LET DOWN THE BARS

It is a mistake and has been proven so to in any manner let down the bars. To the contrary, we should keep up the bars and keep building the statutes stronger and tighter against undesirable and criminal elements, who will do us far more harm than good.

If they came here and assimilated our ideals, as some do, and become good law-respecting citizens it would be quite different, but we know from experience just what has taken place and it is our duty to be ever on guard. We can not afford to take chances. Our American institutions, bought by the blood of our fathers, are too sacred and dear to American hearts and too important to be sacrificed. Our deportation laws must be stricter and enforced more rigidly than in the past, that respect for and obedience to our laws may be properly had. We are told let's be fair and just. Agreed, let's be fair and just, but let it first be to America. Let's be just and fair to our own Republic and not poison her institutions with the riff-raff and scum of other countries who will not, and can not, from the very nature of things, become one of us because they have no conception of Americanism. The desirable and better type will be dealt fairly with, especially the intelligent and upright immigrants. They have always been dealt fairly and humanely with, and everyone knows that the fight has been against the vicious, undesirable, and criminal element that it is vastly to our welfare to keep out of this country.

Mr. HASTINGS. Mr. Speaker, the question of immigration is one of intense interest throughout the entire country. I believe that the people generally are better informed upon this question than upon any other subject which will come before Congress for consideration during the present session.

The World War aroused an interest in the study of foreign questions, and during the past few years the question of immigration has been the subject of debate in the schools throughout the country. It has been discussed from the pulpit, through the public press, in civic bodies, labor organizations, Legion posts, and has been the subject of individual investigations, so that the people have more information upon the subject and are better prepared to express themselves upon it than perhaps any other public question.

I voted for the Burnett immigration law in 1917 and also voted to pass it over the President's veto. I voted for the immigration act of 1924 and every amendatory act that has subsequently been reported to and considered by Congress.

We have up for consideration to-day three additional bills, which have for their purpose the strengthening of the immigration laws.

Senate bill 5094, known as the alien deportation act, is intended to strengthen the deportation provisions of the immigra-

tion laws, and it provides that aliens may be deported for certain additional offenses, as provided in the bill.

Another bill, H. R. 16296, provides for the admission of certain technical and skilled experts within the quotas. This does not increase the number who may be admitted under the quotas, but only provides that of those admitted preference be given to skilled experts in certain lines.

The third bill, known as the Box bill—H. R. 16927—is to clarify the 1924 immigration act relating to nonimmigrant aliens entering temporarily for business.

The reports of the Committee on Immigration go into the details of the respective bills and contain much valuable information and are helpful to the proper understanding of the provisions of these bills.

The immigration act of 1924 recognized the principles of the immigration law enacted in 1917 and the acts subsequently passed and supplemented and extended it, and none of the prior laws have been repealed, except where there is a conflict or it is specifically so provided in the act. All laws enacted subsequent to 1917 and 1924 are for the purpose of strengthening and not weakening our immigration laws.

Section 3 of the immigration act of 1917 is not repealed by the 1924 act but is continued in force, and enumerates in great detail the classes of aliens to be excluded from admission into the United States; and among them are idiots and insane persons, paupers, vagrants, persons afflicted with tuberculosis or with any loathsome or dangerous contagious disease, persons convicted of felony involving moral turpitude, polygamists, anarchists, or persons who are opposed to all forms of law or who are opposed to organized government and favor the assassination of public officials or the unlawful destruction of property, prostitutes, contract laborers, aliens over 16 years of age physically capable of reading who can not read the English or some other language, and many other classes enumerated in this section.

If this section were honestly, intelligently, sympathetically, and rigidly enforced, it would result in the rejection of many seeking admission to our country who are undesirable, and it would relieve from criticism in a large measure the foreigners who come to our country.

Everyone desirous of studying the immigration question should carefully read this section in order to appreciate the very great responsibility which is given to our immigration officials under this bill, first, to the consular officials abroad, and, second, to the immigration officials at home.

Those aliens who are not eligible to citizenship are excluded by the provisions of this bill and other acts of Congress, and this, of course, will exclude the Japanese, Chinese, and the yellow races of Asia. They can not be assimilated, are not in sympathy with our form of government, and should be excluded. These aliens will gradually spread to the interior. This is a very acute question now on the Pacific coast.

Immigrants, under the terms of the 1924 act, are divided into two classes, "quota" and "nonquota" immigrants.

First. "Quota" immigrants are composed of 100 persons plus 2 per cent of the nationals based upon the census of 1890; and

Second. "Nonquota" immigrants, as defined in section 4.

That act provides for the admission as "quota immigrants" of 100 persons in addition to 2 per cent of the number of foreign-born individuals of such nationality who are now residents of the United States, based on the census of 1890. In other words, 100 persons may be admitted from any foreign country, and in addition thereto 2 per cent of the nationals from that country who were residents of the United States as shown by the census of 1890.

That law also provides—section 2—that the consular officials in foreign countries, under rules and regulations to be prescribed, may issue tentative immigration certificates up to but not to exceed the quota which it is provided may come from that country, and this certificate shall indicate the nationality, name, age, sex, race, and a sufficient personal description to identify the applicant, the date and place of his birth, and such additional information as may be prescribed by the rules and regulations of the Secretary of Labor, who has the administration of the act in charge. These certificates may be issued to "quota" and "nonquota" immigrants.

In addition to the quota immigrants the law provides—section 4—that there may be admitted in addition thereto as nonquota immigrants children under the age of 18, dependent parents over 55 years of age, husband or wife of a citizen of the United States, an immigrant previously admitted and who is returning to this country after a temporary visit abroad, and one who has continuously resided for the past 10 years in Canada, Newfoundland, Mexico, Cuba, Haiti, the Dominican Republic, the Canal Zone, or islands adjacent to the American continents, an immigrant who continuously for the past two years preceding the time of his application to enter the United States has been, and who seeks to enter this country solely for the purpose of, carrying on the vocation of minister of any religious denomination or professor of a college or university, an immigrant who is a skilled laborer, and students who desire to enter college and universities for the purpose of study.

Based upon the census of 1890, it is estimated that the maximum number of immigrants admitted annually would not exceed the total of 161,184.

By basing the admissions upon the census of 1890 and reducing the percentage from 3 to 2 the number of immigrants to be admitted will be very greatly reduced.

I favored a further reduction of the "quota" immigrants, either by basing the admissions upon an earlier census than that of 1890 or by reducing the percentage from 2 to 1. However, it is stated that no census prior to 1890 can be used as a basis for the reason that the nationality of immigrants is not shown.

There were admitted during 1923, 522,919 immigrants, whereas, under the provisions of this law, there will be admitted 161,184 immigrants.

During the six months before enactment of the 1924 law there were 469,000 immigrants admitted into the United States.

The number of immigrants admitted to our country during the more than a century of our Government is a very interesting study. Prior to 1842 the number did not reach 100,000 in any one year. In 1842, 104,565 were admitted. In 1865 the number reached 459,803. The largest number admitted during any one year was that of 1907, when 1,285,349 were received, and more than a million came to our country in the years 1905, 1906, 1907, 1910, 1913, and 1914. Since the World War a new tide of immigration started and in 1921 805,228 immigrants were admitted, but the number was reduced the following year by the acts of May 19, 1921, and of May 11, 1922. From September 30, 1820, up to and including June 30, 1923, 35,292,506 immigrants were admitted to our shores.

In order to get away from Old World conditions, unless immigration is restricted as by the terms of this bill, we may expect a much larger influx of immigrants. The period of depression, unstable conditions, militarism, the love of political liberty, and religious freedom will greatly stimulate immigration from Europe.

The 1924 law restricts immigration to those persons eligible to citizenship in the United States, and it is the purpose of the bill to reduce the number to those who can be assimilated. Every immigrant permanently admitted to our country should be carefully examined, and none should be admitted except those who desire to and will become useful, productive, and patriotic citizens of the United States.

In considering that bill many questions were important. Immigration is a domestic question and one for congressional legislation. We have a right to determine how many immigrants may or may not be admitted from any country. We may admit from one country or class and not from another.

In certain congested centers the percentage of foreign born is very high. The questions of assimilation, of education, of illiteracy, of teaching them the English language, of finding employment, of not displacing other labor, and many other questions go to make up the problem to be solved in considering immigration.

It is imperative that we do not admit those who would make undesirable citizens or those who are ineligible to become citizens or those who could not be assimilated.

The American Legion, at its annual convention in San Francisco in October, 1923, adopted the following resolution:

Resolved, That Congress be urged to permanently deny admission hereafter, as immigrants or permanent residents, to all aliens who are ineligible to citizenship under the laws of the United States.

The American Federation of Labor, in October, 1923, at Portland, Oreg., in its annual convention, adopted the following resolution:

We recommend that the executive council be instructed to advocate before the Sixty-eighth Congress a more stringent immigration policy under which immigration shall be curtailed below the present quotas.

The American Farm Bureau Federation passed a resolution in Chicago on December 12, 1923, as follows:

We favor a limitation of the number of immigrants permitted to enter this country to approximately the present total. We would shift the basis upon which the percentage is determined from 1910 to 1890, or an earlier period. We recommend that all immigrants be selected after physical, mental, and other tests in the land of their nativity by representatives of our Government, and that the Congress take proper steps to put such plan into operation.

It will be noted that the persons to be admitted, embodied in the 1924 law, follow very closely the number recommended to be admitted in the above resolution.

The National Grange, November 14–24, 1923, at Pittsburgh, adopted the following resolution at its annual meeting:

The grange favors immigration laws which will make for more loyal Americanism and better citizenship, and urges such modifications of the present laws as will accomplish this end. We favor the substitution of the census of 1890 for the census of 1910 as the basis for the percentage immigration law should it be reenacted. We reiterate the previous action of the grange asking for denial of permanent residence in the United States to aliens ineligible to citizenship.

The above resolution indorses the substitution of the 1890 census for the census of 1910. In addition, various civic organizations and patriotic societies, chambers of commerce, and Daughters of the American Revolution have passed resolutions favoring a further restriction of immigration and for the weeding out of the undesirables, and the selection of a better class of immigrants who would be eligible for citizenship when admitted and who could be assimilated into our body politic.

While I am not a member of the committee, and have not had the time to carefully read all of the hearings and the arguments used before the committee, I favor a reduction in the number of immigrants to be admitted and a selective system by the issuance of tentative certificates in foreign countries, with a final determination by our more responsible officials in this country, so that the number of immigrants will be greatly reduced and confined to those eligible to citizenship in this country and those who will be in sympathy with our Constitution and laws and those who can be readily assimilated. We have had many people of foreign birth who have added greatly to our citizenship. We must not overlook the splendid record they have made. We are not unmindful of the fact that in almost every Cabinet, from the days of Washington down to the present time, some member thereof has been of foreign birth.

However, in these days following the World War, when conditions abroad are so disturbed, we must give great care to a proper selection of those who are admitted to our shores, seeing to it that no undesirable foreigners are admitted who will be a menace to our institutions, who can not be readily assimilated, and who will be a burden and not a help to the communities in which they will reside. The 1924 law, under the nonquota section—4—admits the minor children, wives, or husbands, or the dependent parents over 55 years of age of those foreigners who have been previously admitted, and grants to them the privileges of citizenship in this country, so that there will be no hardship upon them; and in our selection of new immigrants we have provided for tentative certificates to be first issued abroad, so that prospective immigrants may not be admitted if they are not entitled to enter. We agree with the sentiment that no immigrant should be admitted to this country whom we would not welcome as a citizen of our State and Nation. This is our own beloved country; let us protect the fundamentals upon which it was founded as we would guard the purity of our own homes.

Under the 1924 law, after July 1, 1929, there will be admitted 150,000 immigrants of the quota class, and it is estimated that, including the nonquota aliens to be admitted, that the number to come in will not exceed 165,000.

There is much confusion in the figures given out by the Commissioner of Immigration as to the number actually admitted to this country. The quota class does not apply to Canada or to Mexico. Immigrants from these countries come in under the restrictive provisions of the act of 1917, as subsequently amended. Very large numbers come in from both of these countries. It has been found difficult to adequately patrol both borders. We need additional legislation as to both countries, and particularly against admissions through Mexico. Mexican laborers come here in competition with American workmen, and those who come in from that country are less desirable citizens. I would place both Canada and Mexico within the quota provisions of the immigration act, increase the appropriations to patrol these two borders, and strengthen the law with reference to those legally admitted with identification cards, so that those not found in possession of them may be the more easily detected and deported. The importance of this may be readily appreciated when it is known that as many foreigners come into our country illegally or surreptitiously from Mexico and Canada as are admitted from all European countries.

PERMISSION TO PRINT AMENDMENT IN RECORD

Mr. TARVER. Mr. Speaker, I ask unanimous consent that an amendment to the pending bill which I sent to the Clerk's desk during its consideration to-day, but which was not reported, may be printed in the RECORD for the day.

Mr. SABATH. Mr. Speaker, I object.

Mr. SCHAFER. Reserving the right to object, is that the amendment with respect to the bootleggers?

Mr. TARVER. The gentleman is correctly informed.

Mr. SCHAFER. I shall not object.

The SPEAKER. Objection is heard.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;

H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes;

H. R. 15809. An act to authorize a preliminary survey of Mud Creek, in Kentucky, with a view to the control of its floods;

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.; and

H. R. 16301. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia;

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes; and

S. J. Res. 110. Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group of the United States, and for other purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Saturday, February 16, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 16, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16722).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

847. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Justice for the fiscal year 1929 amounting to $14,400; also draft of proposed legislation affecting an existing appropriation (H. Doc. No. 591); to the Committee on Appropriations and ordered to be printed.

848. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $50,000 for the Department of Agriculture, fiscal year 1929, for an additional amount for control and prevention of spread of the gypsy moth (H. Doc. No. 592); to the Committee on Appropriations and ordered to be printed.

849. A communication from the President of the United States, transmitting proposed legislation affecting appropriations which would authorize the Secretary of Agriculture to construct during the fiscal year 1930 the bridge across Bayou Teche at the livestock experiment station of the Department of Agriculture at New Iberia, La., which was authorized to be constructed during the fiscal year 1929 (H. Doc. No. 593); to the Committee on Appropriations and ordered to be printed.

850. A letter from the Public Printer, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

851. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1929, for Lincoln Birthplace Memorial, amounting to $80,000 (H. Doc. No. 594); to the Committee on Appropriations and ordered to be printed.

852. A communication from the President of the United States, transmitting draft of proposed legislation for the Department of the Interior, Bureau of Indian Affairs, affecting an existing appropriation for the Flathead Indian irrigation project, Montana (H. Doc. No. 595); to the Committee on Appropriations and ordered to be printed.

853. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments to pay claims for damages to privately owned property and damages by collision with lighthouse vessels in the sum of $7,493.68 (H. Doc. No. 596); to the Committee on Appropriations and ordered to be printed.

854. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Navy Department for the fiscal year 1929, for the relief of contractors' claims, in the sum of $21,034.07 (H. Doc. 597); to the Committee on Appropriations and ordered to be printed.

855. A communication from the President of the United States, transmitting supplemental estimate of additional appropriation amounting to $20,000 for the fiscal year 1929, to remain available until expended, for administrative expenses for the Porto Rican Hurricane Relief Commission, as provided for by Public Resolution 74, Seventieth Congress, approved December 21, 1928 (H. Doc. No. 598); to the Committee on Appropriations and ordered to be printed.

856. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Post Office Department for the fiscal year 1930, amounting to $3,400,000 (H. Doc. No. 599); to the Committee on Appropriations and ordered to be printed.

857. A communication from the President of the United States, transmitting two supplemental estimates for the War Department for the fiscal year ending June 30, 1929, for United States Military Academy, totaling $14,803 (H. Doc. No. 600); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LAMPERT: Committee on the District of Columbia. H. R. 16700. A bill authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes; with amendment (Rept. No. 2530). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928; without amendment (Rept. No. 2531). Referred to the House Calendar.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 15893. A bill authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Cimarron River system and its tributaries in southwestern Colfax County, N. Mex.; without amendment (Rept. No. 2536). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 16436. A bill to provide for the repatriation of certain insane American citizens; without amendment (Rept. No. 2537). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 16659. A bill to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota; with amendment (Rept. No. 2538). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 16660. A bill to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota; with amendment (Rept. No. 2539). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. J. Res. 406. A joint resolution to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes; without amendment (Rept. No. 2540). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LOWREY: Committee on War Claims. H. R. 11659. A bill for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.; with amendment (Rept. No. 2532). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 15900. A bill for the relief of Charles H. Young; without amendment (Rept. No. 2533). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 15942. A bill for the relief of the University of Kansas; with amendment (Rept. No. 2534). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 16691. A bill to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*; with amendment (Rept. No. 2535). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 3002. An act for the relief of Mina Bintliff; without amendment (Rept. No. 2541). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased; without amendment (Rept. No. 2542). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.); without amendment (Rept. No. 2543). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. S. 4848. An act for the relief of T. L. Young and C. T. Cole; with amendment (Rept. No. 2544). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 3738. A bill for the relief of Mary Murnane; with amendment (Rept. No. 2545). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. H. R. 14873. A bill for the relief of Chesley P. Key; with amendments (Rept. No. 2546). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HILL of Washington: A bill (H. R. 17122) to extend the times for commencing and completing the construction of a bridge across the Columbia River at a point within 1 mile upstream and 1 mile downstream from the mouth of the Entiat River in Chelan County, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON of Iowa: A bill (H. R. 17123) to provide for research work in connection with the utilization of agriculture products other than forest products, and for other purposes; to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: A bill (H. R. 17124) to authorize the issuance of patent for lands containing gold-bearing gravels at depths which are overlaid by volcanic lava; to the Committee on the Public Lands.

By Mr. JOHNSON of Indiana: A bill (H. R. 17125) to provide for the payment of compesation to World War veterans in certain cases; to the Committee on World War Veterans' Legislation.

By Mr. JOHNSON of Illinois: A bill (H. R. 17126) authorizing C. N. Jenks, F. J. Stransky, L. H. Miles, John Grandy, and Bruce Machen, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Savanna, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. KOPP: A bill (H. R. 17127) to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. HALE: A bill (H. R. 17128) to amend section 11 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve"; to the Committee on Naval Affairs.

By Mr. CLARKE: A bill (H. R. 17129) to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.; to the Committee on Public Buildings and Grounds.

By Mrs. LANGLEY: A bill (H. R. 17130) to provide for the preservation, completion, maintenance, operation, and use of the United States Muscle Shoals project for war, navigation, fertilizer manufacture, electric power production, flood and farm relief, and other purposes, and, in connection therewith, the incorporation of the farmers' federated fertilizer corporation and the lease to it of the said project; to the Committee on Military Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 420) requesting the President to make representations to the powers party to The Hague Opium Convention and the Republic of Switzerland, urging full compliance with the provisions and aims of that convention; to the Committee on Foreign Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 421) to establish a joint commission on airports; to the Committee on Rules.

By Mr. KINCHELOE: Concurrent resolution (H. Con. Res. 56) to provide for the printing and binding of the proceedings in Congress and in Statuary Hall of the unveiling upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell, presented by the State of Kentucky, and for the distribution of the 2,500 copies authorized to be printed; to the Committee on Printing.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorializing the Postmaster General of the United States to cause to be issued 100,000,000 postage stamps, of the denomination of 2 cents each, commemorative of the Sullivan campaign of 1779 in New York and Pennsylvania; to the Committee on the Post Office and Post Roads.

Memorial of the Minnesota State Legislature memorializing Congress for the relief of the Lake of the Woods settlers for past damages suffered at the hand of power corporations and enterprises in Canada, in accordance with the convention between the United States and Great Britain to regulate the level of the Lake of the Woods by providing that the settlers may have their claims heard and tried in the courts of the land; to the Committee on the Judiciary.

By Mr. MAAS: Memorializing the Congress of the United States for the relief of the Lake of the Woods settlers, as provided in S. F. No. 359, Resolution 4; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 17131) for the relief of Grover C. Van Nest; to the Committee on Military Affairs.

By Mr. DOYLE: A bill (H. R. 17132) for the relief of James S. Kelly; to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 17133) granting a pension to Lizzie Albright; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 17134) granting an increase of pension to Katharine S. Ryan; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 17135) granting an increase of pension to Addie R. Graves; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 17136) granting a pension to Ella Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17137) granting an increase of pension to Matilda A. Jones; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 17138) extending benefits of the World War adjusted compensation act, as amended, to Peter Joseph Sliney; to the Committee on Naval Affairs.

By Mr. VINCENT of Michigan: A bill (H. R. 17139) granting a pension to Pearl Brentlinger; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11232. Petition of First Methodist Episcopal Church, Charleroi, Pa., urging the Congress to give immediate attention to the needs of the national prohibition movement to insure effective enforcement of the law; to the Committee on the Judiciary.

11233. Petition of St. Louis, Mo., citizens, requesting a readjustment by Congress of a war-time settlement with the holders of 64,000 German chemical patents; to the Committee on Interstate and Foreign Commerce.

11234. By Mr. ABERNETHY: Petition of the Congregational Church of Dudley, N. C., with 48 present, unanimously petitioning on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia, presenting reasons for such action; to the Committee on the District of Columbia.

11235. By Mr. BARBOUR: Resolution adopted by the rehabilitation commission, American Legion, Department of California, relative to the hospital situation in that State; to the Committee on World War Veterans' Legislation.

11236. By Mr. CONNALLY of Texas: Petition of A. A. Murray and other citizens of Brewster County, Tex., in behalf of Smith and Smoot drainage bills; to the Committee on Irrigation and Reclamation.

11237. By Mr. EATON: Petition of 19 members of the Hopewell Mountain Christian Church, New Jersey, urging the enactment of the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11238. By Mr. GARBER: Petition of Frank Hamilton, Burlington, Okla., in regard to existing radio conditions; to the Committee on the Merchant Marine and Fisheries.

11239. Also, petition of residents of Kay County, Okla., in support of separate bill for increased tariff duties of competitive farm products; to the Committee on Ways and Means.

11240. By Mr. GARRETT of Tennessee: Petition of retail shoe dealers and customers of Gleason, Tenn., against tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

11241. By Mr. KOPP: Petition of V. L. Halpool, fingerprint expert, urging a universal fingerprint law; to the Committee on the Judiciary.

11242. By Mr. MAAS: Petition of 45 citizens of St. Paul, Minn., urging that no change be made in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11243. By Mr. McCORMACK: Petition of Mrs. Frederick W. Grant, 30 Alpha Road, Dorchester, Mass., vigorously protesting against enactment of the Newton maternity bill and the equal rights bill; to the Committee on Interstate and Foreign Commerce.

11244. By Mr. MAAS: Petition of 36 citizens of St. Paul, Minn., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11245. By Mr. MORIN: Petition of the Retail Lumber Dealers Association of Pittsburgh, Pa., R. F. McCrea, secretary, protesting against a duty on Canadian timber, lumber, lath, and shingles; to the Committee on Ways and Means.

11246. By Mr. NIEDRINGHAUS: Petition of 27 citizens, residents of Bonhomme Bottom, St. Louis County, Mo., urging assistance and relief from the Government for them in protecting their farm land from erosion by the Missouri River; to the Committee on Flood Control.

11247. By Mr. O'CONNELL: Petition of the New York Conservation Association (Inc.), favoring the appropriation now contained in the Agriculture appropriation bill for the purchase of nonagricultural lands in national forests; to the Committee on Appropriations.

11248. Also, petition of the Montizona Copper Co., New York City, favoring the present tariff schedules upon manganese be maintained; to the Committee on Ways and Means.

11249. Also, petition of Douglas I. McKay, State department commander, American Legion, New York, favoring the passage of the American Legion's hospital bill; to the Committee on World War Veterans' Legislation.

11250. By Mr. PERKINS: Petition of Warren Pomona Grange, No. 10, Patrons of Husbandry, Stewartsville, N. J., protesting against legislation fixing prices of farm products; to the Committee on Ways and Means.

11251. By Mr. ROBINSON of Iowa: Petition against any change in the present tariff on hides and leather used in the manufacture of shoes, signed by C. H. Wilmott and about 50 other citizens of Dubuque, Dubuque County, Iowa; to the Committee on Ways and Means.

11252. By Mr. SELVIG: Resolution of National Livestock and Meat Board, urging Congress to enact higher duty on meat and meat animals through amendment of the tariff law; to the Committee on Ways and Means.

11253. By Mr. SMITH: Petition signed by Mr. A. W. Johnson and 21 other citizens of Buhl, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

11254. By Mr. SWING: Petition of residents of San Diego and National City, Calif., protesting against House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

11255. By Mr. THURSTON: Petition of W. C. Borrell and others, of Chariton, Iowa, protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11256. By Mr. WOOD: Petition of many citizens of La Fayette, Ind., and vicinity, asking that no changes be made in the present immigration law unless it would be to make them more drastic in their provisions; to the Committee on Immigration and Naturalization.

11257. By Mr. WYANT: Petition of Pittsburgh Wholesale Lumber Dealers' Association, opposing the levying of a duty on timber, lumber, lath, and shingles imported into the United States; to the Committee on Ways and Means.

11258. Also, petition of Retail Lumber Dealers' Association of western Pennsylvania, opposing the levying of a duty on timber, lumber, lath, and shingles into the United States; to the Committee on Ways and Means.

11259. Also, petition of John Brady, jr., Camp No. 84, United Spanish War Veterans, Greensburg, Pa., favoring passage of House bill 14676; to the Committee on Pensions.

SENATE

SATURDAY, *February 16, 1929*

(Legislative day of Friday, February 15, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 16926. An act granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science;

H. R. 16927. An act to clarify the law relating to the temporary admission of aliens to the United States; and

H. J. Res. 379. Joint resolution extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1281. An act to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia;

S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes;

H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;

H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes;

H. R. 15809. An act to authorize a preliminary survey of Mud Creek, in Kentucky, with a view to the control of its floods;

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.; and

H. R. 16301. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes; and

S. J. Res. 110. Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes.

REPORT OF PERSONNEL CLASSIFICATION BOARD ON SURVEY OF FIELD SERVICES

The VICE PRESIDENT laid before the Senate a communication from the Chairman of the Personnel Classification Board, tentatively reporting, pursuant to law, relative to a survey of positions in the several field services of the Federal Government "exclusive of the Postal Service, Foreign Service, and employees in the mechanical and drafting groups whose wages are now or have heretofore been fixed by wage boards or similar authority," and submitting a preliminary report thereon, which, with the accompanying papers, was referred to the Committee on Civil Service.

PHYSICIAN IN CHARGE OF NARCOTICS DIVISION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, recommending the passage of legislation making the physician in charge of the Narcotics Division of the United States Public Health Service, while so serving, an Assistant Surgeon General in that service, etc., which, with the accompanying papers, was referred to the Committee on Finance.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, dated February 12, 1929, transmitting, pursuant to law, an authenticated copy of the certificate of the final ascertainment of electors for President and Vice President, appointed in the State of Mississippi at the election held November 6, 1928, which was requested to be substituted for the certificate transmitted on January 18, 1929, which, with the accompanying papers, was ordered to lie on the table.

PETITIONS AND MEMORIALS

Mr. TYSON. I present a resolution adopted at the January term of the Knox County (Tenn.) quarterly court, relative to the location of a summer home for the President of the United States, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Mr. Chairman and members of the Knox County court, conditions come and go, likewise suggestions that are often made by both high officials and sometimes humble citizens, that have a great deal of merit, but neither the press or the public become impressed or interested and unless the individual making such suggestion is so wedded to the idea to keep it before the public it will soon be forgotten.

This preamble is to get you members to become interested in what I am going to suggest and present to you.

Mr. Chairman and members of the court, some days ago I saw and read a suggestion from the President of the United States, Calvin Coolidge, that the Government should build a permanent summer and rest home for the President. Since that suggestion I have not seen, heard, or read a word of comment; yet it impressed me so deeply that I have thought the idea was one of the wisest suggestions made by a President in times of peace for a public improvement or necessity. President Coolidge frankly, wisely, and truthfully stated the facts, and that he could recommend a permanent summer home for the President of the United States without any selfish motive.

He stated that the altitude at Washington was virtually sea level and when the President took an outing on the ocean it was virtually the same altitude, and it did not give the rest and vigor that was needed. I was very much interested and very deeply impressed with the remarks of the President suggesting a permanent out-of-Washington home to be known as The President's Summer Home. With his suggestions carried out, it would forever eliminate the annoyance of the President selecting a palace or cottage donated by some kind citizen where he will spend his vacation. The Government has always maintained the President's Mansion, known as the White House, ever since the founding of our present Capital. Now, to think we have 48 States and not a place provided where the President can go for rest and recreation—such a condition should no longer exist.

At the present time it is more difficult for the President to decide where he is going to spend his vacation than it is whether he will approve or veto a tariff bill.

There are two questions for Congress to consider. First, should there be an isolated home for the President of the United States, where he can go for a rest as well as being isolated from disturbing elements, and where he may be given undisturbed time in the preparation of very important messages to be submitted to Congress?

The second question, If we are going to have a President's summer and rest home, where shall it be located? It seems such a home should